

3 1761 11630721 6



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116307216>



lo. 123

N° 123

ISSN 1180-2987

Legislative Assembly
of Ontario

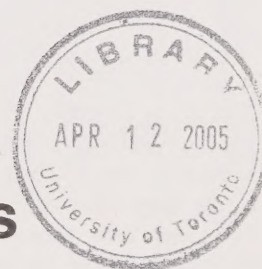
First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)



Tuesday 5 April 2005


Mardi 5 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers



Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2

Telephone 416-325-7400; fax 416-325-7430

Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2

Téléphone, 416-325-7400; télécopieur, 416-325-7430

Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 5 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 5 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ARCHIVES OF ONTARIO

Mrs. Julia Munro (York North): Six months ago, I stood in this House to condemn the government's decision to cancel our government's plan to move the archives to a new facility. I pointed out to the government that a report several years ago said that the current space is unsafe and unhealthy, and that the preservation of documents is at risk. The collections are starting to develop mould and the second floor is sagging. Historical documents and photos are at risk of theft or damage, and thefts have already been reported.

The Friends of the Archives of Ontario say, "This short-sighted move endangers irreplaceable records of Ontario's history. The current building was long ago deemed inadequate and is at risk of fire, flood and theft." The Archives Association of Ontario is very concerned and said they "fear that this decision will put at greater risk the documentary heritage that is to be found within the archives."

What is the plan of the McGuinty Liberals to preserve our archives? There is no plan. There is barely a plan to develop a plan. The Chair of Management Board admitted to the House a month ago that it probably would take a couple of years before he finds a permanent long-term solution. Ontario's history and heritage cannot wait that long. The archives need help now.

AFFORDABLE HOUSING

Ms. Laurel C. Broten (Etobicoke-Lakeshore): Recently in my riding I had the pleasure of facilitating a round table discussion with community stakeholders regarding the need for affordable housing in Ontario, something my community of Etobicoke-Lakeshore is in need of. The purpose was to bring together the diverse ideas and expertise of stakeholders, advocates and government alike to discuss the need for and provision of affordable housing and affordable housing supports.

Prior to and since my election, many constituents, agencies and organizations have communicated to me the need for affordable housing in Etobicoke-Lakeshore. I understand the complex needs of various groups within

my community and will continue to work to make their concerns known, because housing is a right. We must work to ensure that families who are in need of affordable housing have access to it.

Increasing the number of affordable housing units in Ontario is vital, and I am encouraged that there will be a particular focus on appropriate housing for persons suffering from mental illness, victims of domestic violence and the working poor. We have already committed to fund more than 3,300 units of affordable housing, almost eight times more than announced by the previous government over two years, and are working on delivering more.

My community understands that helping to provide affordable housing to those in need is fundamental, and I want to say thank you to those leaders in our community who attended the housing meeting for their input. I look forward to continuing my discussions with them and ultimately developing solutions as we work together for our community.

MARY McBRIDE

Mr. Jim Wilson (Simcoe-Grey): I rise to pay tribute to my constituent Mrs. Mary McBride of Alliston on her receipt of the Prime Minister's Award for Teaching Excellence. This esteemed award honours outstanding secondary school teachers who best equip their students for the challenges of a changing society and an increasingly knowledge-based economy.

Mrs. McBride has made our community proud for her dedication to teaching Latin to the students at Banting Memorial High School, where she began teaching some 33 years ago. I attended BMHS in Alliston and I've seen first-hand the respect that staff and students have for Mrs. McBride.

A mere 15 Canadians are presented with this award each year. It is accompanied by a \$5,000 donation to the local high school to be used under the direction of Mrs. McBride to improve teaching and learning in our community. On March 28, I was pleased to join in a standing ovation from some 300 local residents, who recognized Mrs. McBride for this outstanding achievement at the Alliston Rotary Club's annual rural-urban night at the Nottawasaga Inn.

This award is a tribute to the hard work and dedication Mrs. McBride has demonstrated, and it recognizes her valuable contribution to making our community and our country a better place to live, work and raise a family.

Mary McBride, thank you for giving so much of yourself to our community and to the teaching profession.

SCHOOL SAFETY

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): Last November my community was stunned by the sudden death of a young high school student, and to many in my community bullying contributed to his suicide.

Safe schools should be a fundamental part of our education system. The Liberal government of Ontario is constantly striving to ensure these principles, so today I would like to recognize the success of a group of students at Sir George Ross Secondary School in London. Last week this group of students from Sir George Ross presented an anti-bullying video at the National Conference on Bullying. I would like to thank their vice-principal, Paula Greenberg, for endorsing such an important initiative.

I would also like to thank all the students who worked on the project, such as Justin Blackwell and Trevor Haugh. You are on the front lines, making schools a safer place for students to be. I applaud them very much for that.

The Liberal government in Ontario has a strategy for safe schools. We have a plan that will make our schools safer. We are creating a bullying prevention program in all schools. We are conducting safety audits for all Ontario schools and we are installing entranceway security cameras in at least 400 elementary schools by this fall. This will help keep our students safe and foster a learning experience based on excellence. We are also investing at least \$9 million this year and next to make Ontario schools safer.

I applaud the Minister of Education and I am proud to be part of a team that is taking concrete steps to secure the future of our students and the future of Ontario. A safe school is a successful school.

1340

BOBCAYGEON-VERULAM COMMUNITY CENTRE

Ms. Laurie Scott (Haliburton-Victoria-Brock): This past weekend I joined with people from throughout my riding to celebrate the 50th anniversary of the Bobcaygeon-Verulam Community Centre. On April 2, we were treated to figure skating presentations, hockey games, public skating, music performed by the Bobcaygeon Olde Tymers and a colour party from the local Legion branch.

In the past 50 years, the community centre has served as an anchor point for many local activities, drawing people together to share in hockey, skating, curling, dances and carnivals. It has instilled pride in the community by hosting hockey, figure skating and curling championships and, of course, the famous Bobcaygeon fiddle and step dance contests.

I grew up in the area and attended the community centre all my life. My father, Bill Scott, refereed many a hockey game there.

The community centre helped to put Bobcaygeon on the map as it hosted thousands of visitors to the Bobcaygeon fall fair. The fall fair board originally owned the building and deeded it to the community centre's use. The Honourable Leslie Frost, Premier of Ontario, opened it 50 years ago.

Community centres play an important role in smaller communities, and this is no exception. It is a place where people met new friends, and a place where people could give back to their community by participating in one of the many charitable events.

The Bobcaygeon-Verulam Community Centre was a place to see big-time entertainers such as Don Messer, Whipper Billy Watson, Tommy Hunter, Stompin' Tom Connors or the Tragically Hip. It was a place to cheer on the local hockey teams.

On Saturday night, we saw the next generation at the centre lacing up their skates. Here's to the next 50 years at the Bobcaygeon-Verulam Community Centre.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): It's immoral for the McGuinty government to appeal the recent court decision on autism. Justice Kiteley found that the McGuinty government has violated the charter rights of autistic children by discriminating against them on the basis of age and disability, and further, that the minister has violated the Education Act by failing to ensure that appropriate special education programs are in place for autistic children without the payment of fees.

She said, "To deny the plaintiff children the opportunity to have treatment after the age of five is to stereotype them, to prejudice them, and to create a disadvantage for them." Further, "The absence of ABA/IBI [in the schools] means that children with autism are excluded from the opportunity to access learning with the consequential deprivation of skills, the likelihood of isolation from society and the loss of the ability to exercise the rights and freedoms to which all Canadians are entitled."

The government's reason to appeal is pathetic. The Attorney General said the Supreme Court ruled that governments are in the best position to design programs in the interests of autistic children. The Supreme Court never said provincial programs should violate the charter rights of autistic children, which is exactly what the Ontario autism program does.

Justice Kiteley agreed with Premier McGuinty that the age six cut-off for IBI is unfair and discriminatory. She ordered the government to do exactly what the Premier had already promised in the last election: to end the discrimination against children over six. The Liberals have never ended this discrimination. It's clear they never had any intention when they made the promise in the first place.

This government should be ashamed of its betrayal of autistic children. Stop fighting parents in court, end your violation of the charter rights of autistic children, stop violating the Education Act and start funding IBI for autistic children who need it, when and where they need it.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Tony C. Wong (Markham): Every year, people in my riding of Markham, along with other Ontarians, contribute their hard-earned tax dollars toward the federal government in order to make this country strong and prosperous in all regions. But they are not getting a fair return for their dollar, and that is not the Canadian way. The \$23-billion difference between what is collected from us and what we receive results in real setbacks when it comes to Ontario being able to reinvest in our health care, our immigrants and our infrastructure.

For instance, in my riding of Markham, we are in desperate need of investment support for our Markham Stouffville Hospital redevelopment costs and our Viva rapid transit project to reduce gridlock in the ever-growing York region.

Investment is also needed to ensure that our immigrants are welcomed and integrated into our community in the best possible way. Ontario attracts the majority of the country's immigrants—57%, to be exact—with many of them choosing Markham as their destination, yet we receive just 34% of federal funding for their settlement.

Ontario cannot continue to afford this \$23-billion gap. The Gap is not just some store at the mall; it is the \$23-billion difference between what we as Ontarians are paying and what we are receiving from the federal government. This must change. We need to invest in our health care, our post-secondary education and our people if Ontario is to remain the economic engine that we are for this great country.

MUNICIPAL FINANCES

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): I rise today to speak about the McGuinty government's commitment to a mature relationship with municipalities. For example, just last week, the government announced that the Ontario municipal partnership fund would replace the community reinvestment fund. The new program is equitable and transparent and will target funds toward social assistance and policing costs for small, northern and rural municipalities. This represents a \$656-million investment overall, and at a minimum, municipalities will receive at least as much funding in 2005 as they did in 2004.

Roger Anderson, president of AMO, the Association of Municipalities of Ontario, had this to say about last week's announcement: "Today's reconciliation announcement shows that the Premier is listening to municipalities. The province's decision to pay money owed to

municipalities for 2003 and 2004 is good news for property taxpayers all over Ontario." But that's not all. Kirkland Lake Mayor Bill Enouy said, "I think it is the right thing to do and I am very happy." Timmins Mayor Vic Power said, "I'm really pleased things worked out the way they did."

What all this represents is that there's a new way of doing things in Ontario. As a government, we're committed to doing everything we can to make sure that municipalities are at the table and that their voices are being heard.

Mr. David Oraziotti (Sault Ste. Marie): I'm very pleased to have the opportunity to recognize the extraordinary work our government is doing to build stronger municipalities. Last week, we announced the new Ontario municipal partnership fund and retired the previous government's flawed CRF formula. The new partnership fund is much more fiscally responsible, more equitable and a more transparent way to meet the needs of Ontario's municipalities. Municipalities received \$656 million for 2005, an increase of \$38 million over 2004. It represents the largest-ever transfer payment to municipalities.

This announcement was very well received in our city, with our mayor, John Rowsell, calling it "amazingly wonderful news," and that "this will make a substantive difference for our budget." He also made reference to our municipality's request for reconciliation for 2003-04 costs and noted that this announcement surpasses that request. Our city's chief administrative officer said that the new OMPF "will be very much appreciated and it is good news going into our budget this year." Sault Ste. Marie has been facing a significant tax increase, and now that may be reduced by as much as 5%. As well, our finance ministry estimates that this could offset taxes by as much as \$80 per household.

The point here is that we're responding to the needs of municipalities that were severely burdened by the past government. The downloading of provincial services by the Conservatives was not revenue-neutral, as they told us, and as a former city councillor, I know first-hand what this irresponsible leadership did to our city of Sault Ste. Marie. Instead, our government has chosen a formula that is based on the needs of municipalities across the province of Ontario, and I'm proud of this particular fund.

MOTIONS

CONSIDERATION OF BILL 133

Hon. Rick Bartolucci (Minister of Northern Development and Mines): I move that the order for second reading of Bill 133, An Act to amend the Environmental Protection Act and the Ontario Water Resources Act in respect of enforcement and other

matters, be discharged and the bill be referred to the standing committee on the Legislative Assembly.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

1350

ORAL QUESTIONS

PUBLIC SAFETY

Mr. John Tory (Leader of the Opposition): My question is for the Attorney General. Last week, I asked you to initiate a review of the ruling that granted bail to a man charged with the first-degree murder of his wife. You said at that time that you wanted to have an opportunity to look at the court transcripts. Seeing how quickly you could decide to appeal the autism decision, might we ask that some of that zeal now be applied in favour of community safety in Bolton, Ontario?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I continue to refuse to permit a member of this House to try and politicize a decision about what the crown does with respect to bail. I can update the member in saying that the individual in question is currently incarcerated.

Mr. Tory: To hear this minister talking about politicization as if there's something that is foreign to him about that is a bit rich. Minister, you wasted no time yesterday in announcing your government's appeal of the case involving treatment for children with autism past age six. You didn't need to see any transcripts in a case that had a 217-page judgment.

The neighbours in Bolton and the families who send their kids to nearby schools, who go to play in those parks, are waiting for you to stand up and act. Will you do so immediately for the sake of their community safety?

Hon. Mr. Bryant: I say again, the individual in question is incarcerated, and I understand that the court is receiving submissions from crown and defence counsel with respect to his conditions of release. As soon as we have the materials in place that would permit us to file them with the Chief Justice of Ontario, if that determination was to be made, then I'll be in a position to do that. But in the interim, I say to the member, the individual in question that you're speaking of is incarcerated.

Mr. Tory: The minister keeps repeating that, as if it's going to address the concerns of people. Their concern is, of course, what's going to happen if the individual in question is to be out on bail, as the court has ordered.

If the minister won't listen to my plea, then perhaps I could share an e-mail with him that I've had from a neighbourhood resident in Bolton, addressed to the Premier. In it she says:

"Mr. McGuinty, please do something about this while you still can. We are not questioning his right to a fair

trial.... In the future, no person should ever have to live through such a nightmare again. Bail should not be an option to anyone charged with violent crimes."

Surely you don't think it's right, Minister, as I don't, that someone accused of first-degree murder in these kinds of circumstances should be allowed back into the community under what can only be described as minimal supervision. Will you do the right thing right away: finish your review of the transcripts and get on with requesting this review?

Hon. Mr. Bryant: What I think is right is that an independent court makes these decisions and that these decisions are not made by the leader of the official opposition or, in fact, by any politician. What I am responsible for is ensuring that we are doing everything we can to protect the public, and we are doing that.

Of course we opposed bail in this matter. Of course we are going to do everything in our power to ensure that the community is safe. This member, who is a lawyer, knows he's violating the rules of professional conduct, knows he's violating the sub judice rules, knows he's violating constitutional convention, knows he's trying to politicize the courts, and I will have nothing to do with it. We will work on protecting the public. He can work on trying to politicize the judicial system, but I will have nothing to do with it.

Mr. Tory: What the minister will have nothing to do with is answering the questions of people in Ontario about issues of community safety.

CASINO WINDSOR

Mr. John Tory (Leader of the Opposition): In the absence of the Premier, my question is to the Deputy Premier. Minister, the government House leader, the Minister of Energy, undoubtedly one of the most senior ministers in your government, is positively gushing with excitement over the prospect of spending \$400 million in government funds on an expanded casino in his city. Today we learn that he is lobbying the Ontario Lottery and Gaming Corp. to accommodate a \$100-million gondola at the Windsor casino.

Mr. Deputy Premier, can you guarantee that not one cent of government money, not one cent of monies raised by the lottery and gaming commission that would otherwise be turned over to the government, will be spent on this gondola?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the honourable member, particularly as it reinforces our government's commitment to the people of Windsor to recognize that over a period of time, through investments by previous governments, the Windsor casino has been not only an important source of revenue for our province and for the important goals that we support here, but obviously also an important source of local employment for the people of Windsor. It should come as no surprise to anyone in this House that any honourable member

from Windsor is standing up and doing their part, which is working hard on behalf of the people of Windsor.

Mr. Tory: It's tough to get answers, Mr. Speaker.

Mr. Deputy Premier, at a time when hospitals in Ontario, as you well know, have received \$91 million of our health tax money to fire more than 750 nurses, when those very same hospitals finished the year with \$330 million in accumulated deficits, your government has decided to spend \$400 million on casino renovations and expansions in Windsor, and now we hear about a gondola. How can you justify spending hundreds of millions of dollars on casinos and hotels and gondolas while hospitals are left wondering what they will do to deal with their \$330 million in accumulated deficits?

Hon. Mr. Smitherman: The honourable member constituent of mine, such a recent arrival, is obviously no student of history. If you were a student of history, you would have taken note of the fact that when your party was in government, you certainly found resources to invest in casinos, but at the very same time your government cut 557 million real dollars from Ontario hospitals. While we're on the matter of funding for Ontario hospitals, I'll remind you, Mr. Tory, that your party while in government brought in a budget at Magna. In that budget, they predicted funding for Ontario hospitals in fiscal year 2004-05, and to the tune, I might add, of hundreds of millions of dollars fewer than the actual expenses that we float in support of the important mission of Ontario's hospitals.

Mr. Tory: We've gone from curious to furious and now to injurious. I find it amazing that you have the time and the money for gondolas and for casinos and for sushi bans and for logo changes, and yet the hospitals have absolutely no idea what funding they will receive for the fiscal year that is now five days old. All the hospitals know is that they ended last year—still no word from you—with \$330 million in accumulated deficits. Without knowing that, they can't plan, they can't make staffing decisions, and inevitably that is going to mean, down the road, more layoffs of nurses and others. Minister, when can the hospitals expect to receive word from you as to what funding they will receive for this year so they can do some proper planning?

Hon. Mr. Smitherman: On the issue of proper planning as it relates to hospitals, it's interesting that that honourable member—sitting beside, as he does, the longest-serving Minister of Health from the previous government—instead of speaking with her and asking about the failed record of your government, would instead be asking questions about our commitment to Ontario's hospitals. Let me refresh: We are the government that's bringing hospitals to a situation where they will be rewarded for being in balance; more than 80 hospitals in the province of Ontario submitted plans to be in balance in fiscal 2005-06, and that is the goal toward which we work toward the end of this year.

Contrary to the suggestions by the honourable member, I met as recently as last week with representatives of the leadership of the Ontario Hospital Association. We're

working very closely with them, through the work we do together, to be able to offer earlier commitment to hospitals about their funding allocations. This is something we seek to achieve because other governments have failed to in the past, but it will be part of our legacy.

AUTISM TREATMENT

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Minister of Children and Youth Services. During the election, the Premier had no problem looking the parents of autistic children in the eye and promising to provide IBI treatment for children over age five. But yesterday we saw that the Premier wouldn't take responsibility for his broken promise and that he wouldn't take responsibility for your government's violation of the constitutional rights of those autistic children. In fact, the Premier would not look those children and their parents in the eye.

Minister, I believe that the Premier has to take responsibility. It was his promise and now it's his government. My question is, as Ontario's advocate for children in the cabinet, do you think it's acceptable for the Premier to duck the questions about his promise and about his violation of those autistic children's constitutional rights?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'm incredibly proud of the support the Premier has given not only to children with autism but to children with special needs across this province. Under an extremely difficult fiscal situation, we found \$200 million more in last year's budget for children in this province—the first-ever expenditure for children with mental health in almost a decade; the first-ever new expenditure for child care—and we doubled the spending for children with autism from \$40 million to \$80 million. I'm proud of our record and proud of our Premier and I'm standing by him and my government.

1400

Mr. Hampton: I take it the minister must be proud of the court decision of Madam Justice Kiteley, which says that you are not living up to the promise and that you are failing the constitutional rights of these children.

I want to refer to another document I have. This is a letter from your political assistant, Lisa Clements. In her letter she tells government MPPs and their staff to avoid meeting with autistic children and their families. All phone calls should be forwarded to a bureaucrat. Why? Let me quote: "To minimize (well eliminate actually) the chances of your MPP finding themselves in a difficult situation."

The Premier called denying IBI treatment to autistic children unfair and discriminatory. He promised to end this discrimination. Can you tell autistic children and their parents why the Premier is ducking their questions? Why are McGuinty MPPs avoiding talking to or even meeting autistic children and their parents in this province?

Hon. Mrs. Bountrogianni: Actually, nothing could be further from the truth. I know my colleagues have met with families of children with autism.

Interjections.

Hon. Mrs. Bountrogianni: Absolutely. My colleagues have met with families. They have brought their needs to my attention. My bureaucrats, as well as my political staff, have met with families, and you know that very well.

We are very proud of our record. We have doubled our spending on this file. We have increased the number of children receiving IBI treatment by 25% and we have reduced the waiting list for assessment by 72%. No longer will kids be languishing, just waiting for an assessment, for a diagnosis. We're very proud of our strategy and very proud about the openness and the consultations with experts to develop our strategy. We will soon meet our goal of helping these children across the province, not only in the cities and boards where there were resources, but in the cities and boards where there weren't resources.

Mr. Hampton: I simply want to quote from your special assistant's letter again: "To minimize (well eliminate actually) the chances of your MPP finding themselves in a difficult situation" with autistic children and their parents. That was the letter you sent to government MPPs.

I think the people of Ontario deserve better than a Premier who won't answer for his own broken promises. I think they deserve better than a government that says, "We don't like this issue. This issue is troubling for us. Avoid these children. Avoid these parents. Pretend they really aren't on the radar screen right now." I think people deserve better.

I'm going to ask you this: The Minister of Finance has a budget coming up. Will you guarantee those autistic children and their parents that the money will be in the budget to meet the promise the Premier made to those parents before the election?

Hon. Mrs. Bountrogianni: In order to enlighten the member opposite about what we are doing, beyond what my ministry is doing, I will refer this supplementary question to the Minister of Education.

Hon. Gerard Kennedy (Minister of Education): It is, I think, interesting to the families involved that you would try and characterize this in the way you have. There's one party in this House that made a commitment to people with autism and to their families, and that's the Liberal Party. There was no commitment in your platform. There was no advance consideration of these children and their needs.

I would say to you that last year our government faced and contemplated the needs of a very significant number of children in this province.

Interjections.

The Speaker (Hon. Alvin Curling): Order. I don't think you are interested in the answer, as a matter of fact, so I would ask for a new question.

Mr. Hampton: I would just say to the Minister of Education, you're right. I didn't promise autistic children something knowing I wasn't going to keep the promise.

ENVIRONMENTAL PROTECTION

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Minister of the Environment. We know the McGuinty government is not listening to autistic children and their parents, but you are listening to someone quite powerful. In October you brought forward Bill 133, your spill bill, and you were very rhetorical, saying this was going to be leading edge, but in the meantime we've learned that a powerful coalition formed to lobby behind the scenes wants you to water down the bill. Today you have said that the bill is not going forward for debate; you're going to shuffle it off to committee. Who is leading this lobby? Why, it's the Premier's personal fixer, Warren Kinsella, senior adviser to the Liberal election campaign. Minister, who are you listening to: ordinary Ontarians, who want you to protect the environment, or Warren Kinsella, who is lobbying for the chemical industry?

Hon. Leona Dombrowsky (Minister of the Environment): I'm very proud to say that this government is listening to the people of Ontario, particularly those people who have been impacted by industrial spills, who have had their water intakes shut down. That is why we introduced the penalties bill. If passed, it will provide resources directly to communities so people in those communities will be compensated when these horrible incidents take place.

Mr. Hampton: I think people are already putting their money on Warren Kinsella.

Here is the situation: You bring forward Bill 133, about six months ago, with lots of rhetoric, a virtual crescendo of rhetoric, and then for six months it languishes on the order paper. Nothing happens. On March 14, Warren Kinsella signs up as the lobbyist for the chemical industry, which wants this bill watered down. Now, just days later, the bill doesn't come forward for debate; it goes out the side door to committee. Groups like the Canadian Chemical Producers' Association, the Canadian Foundry Association and the Canadian Petroleum Products Institute are very happy.

Minister, is it just a coincidence that mere days after the Premier's personal election guru, Warren Kinsella, signs up for these groups, your Bill 133 goes sideways instead of coming forward for debate?

Hon. Mrs. Dombrowsky: I would just like the honourable member to explain how it is that using a very legitimate process of this Legislature—a committee hearing that will invite input from the public of Ontario—is somehow a perversion or is slipping something out the side door.

I'm proud of the record of this government and how we have brought legislation forward. I am proud of the record that every bill that has been passed by this Legislature has been amended. Obviously, we are a

government that wants to build good and strong legislation and we are prepared to engage the people of Ontario in that process.

Mr. Hampton: Here is the big picture: You won't listen to autistic children and their parents, but when Warren Kinsella signs up as lobbyist on behalf of some of the biggest polluters in the province, boy, things start to happen. You won't listen to the judge who says you're violating the constitutional rights of autistic children, you won't listen to her when she says you're violating their human dignity, but when Warren Kinsella, the Premier's election guru, comes calling on behalf of the chemical industry, it happens right away.

I want to know where you stand on Bill 133. Do you stand with all those Ontarians who want the environment protected or do you stand with Warren Kinsella, lobbying for some of the biggest polluters?

Hon. Mrs. Dombrowsky: I'm very proud of the penalties legislation that is before the House and that will go to committee. We're very interested to hear the kind of support we will receive from the people. We believe there is strong support out there. I have a long list of endorsements for this legislation: Robert F. Kennedy Jr., Dr. Isobel Heathcote from the University of Guelph, who co-chaired the IPAT, and just yesterday I spoke with David Suzuki, who encourages us to continue with this very worthy piece of legislation.

That is a commitment from this minister. This government will do the right thing and will protect the environment. In Ontario, if you spill, you pay.

1410

HOSPITAL FUNDING

Mr. John O'Toole (Durham): My question is to the Minister of Health. Your government is intent on gleefully spending some \$400 million on a swanky new casino expansion in Windsor, despite ongoing serious decisions being made by hospitals across Ontario.

Last Thursday, constituents in Durham riding, including the regions of Oshawa, Whitby, Port Perry and Bowmanville—

Interjections.

The Speaker (Hon. Alvin Curling): Order. I'll ask the government members to come to order. I cannot hear the member from Durham.

The member for Durham.

Mr. O'Toole: Last Thursday, constituents in Durham region—from Oshawa hospital, Whitby hospital, Port Perry hospital and Bowmanville hospitals—learned that their hospitals issued layoff notices to some 308 staff to deal with a multi-million dollar deficit. Hospital officials say in their release that it's going to have a dramatic impact on patient care.

Minister, how can you possibly justify a \$400-million expansion of casinos, and, worse yet, not rule out the \$100-million gondola to the casino? Are casinos a higher priority to you than are hospitals in Ontario?

Hon. George Smitherman (Minister of Health and Long-Term Care): It's striking that a question like that would come from an honourable member who's part of a political party that was investing in casinos at the very time that they cut hospital funding. That is the legacy, sir, of your time in government. Now you're sitting in a caucus with a leader who's proposing an astonishing \$2.4-billion cut to health care, and you ask me a question like that. I'm proud to stand here as part of a government that has invested more than \$13 million in the operation at Lakeridge. If the honourable member wants to go and read the release further or the news coverage of it, he will know that the hospital predicted that many of the same number of job layoffs are unlikely to come to fruition.

The Speaker: Supplementary.

Mr. Cameron Jackson (Burlington): I think it would be erroneous to suggest that a legitimate tax cut is in any way a cut to health care, and the member should know that.

This story gets absolutely worse. Minister, your \$100-million gondola story is catching fire across the province, and I'll tell you why: Hospitals are asking you legitimate questions about what you're doing. Last Friday, the Joseph Brant Memorial Hospital in Burlington closed three of its important clinics: their chronic obstructive pulmonary disease clinic, their lipid heart program and their outpatient physiotherapy clinic. Last April, Joseph Brant closed 24 medical beds because of your hospital budget shortfall and in the last three months there have been more surgical cancellations than in this hospital's 10-year history.

Minister, how can you sit at a cabinet table and listen to the member from Windsor tell you how important it is to spend \$400 million to \$500 million on a gondola and a casino when you know your number one priority is to improve the quality of health care in this province, especially for those who present themselves in hospitals every single day? Where is your priority?

Hon. Mr. Smitherman: Our priorities are made rather obvious and stand in sharp contrast to that party's priorities. This is the party that this year has made a \$2.9-billion new investment in health care in the province of Ontario. Here is the point of rather stark contrast: That member is part of the caucus of a party that proposes to reduce health care spending by \$2.4 billion.

ENVIRONMENTAL PROTECTION

Ms. Marilyn Churley (Toronto-Danforth): I have a question for the Minister of the Environment. Today, after months of letting it languish on the order paper, we learn that you've referred Bill 133—your “you spill, you pay” bill—to committee prior to second reading and prior to any opportunity for debate in this House.

Two weeks ago Warren Kinsella, the Premier's senior adviser and war room strategist during the 2003 election, registered to lobby you, the Premier, as well as other ministers on Bill 133. And on whose behalf is senior Liberal strategist Mr. Kinsella lobbying the Premier?

Why, on behalf of something called the Coalition for a Sustainable Environment. Talk about Orwellian; it's an industry front group composed of some of the largest polluters in this country.

Minister, I'm going to follow up on my leader and ask you again, will you come clean about why you're suddenly detouring this bill into committee prior to debate in this House? What is going on?

Hon. Leona Dombrowsky (Minister of the Environment): I think it's very clear that this government is committed to ensuring that the people of Ontario have an opportunity, particularly on matters of important legislation, to provide their input to this government so that we can craft the very best, most solid legislation, particularly when we're dealing with our environment. I believe that the penalties bill is a very, very important piece of legislation.

This is no trick. This is a legitimate manoeuvre that provides the people of Ontario, the members of the public, with an opportunity to comment on this proposed legislation. I don't understand why the member is having such difficulty with this. Our government is committed to ensuring that the people of Ontario have a very strong voice in the shaping of legislation, and that's exactly what we're doing.

Ms. Churley: Let me tell the minister why I'm having trouble with this. We know Mr. Kinsella is a prominent Liberal strategist and ally of the Premier's. We know that just a little while ago he registered to lobby the Premier, yourself and other ministers on behalf of some of the largest polluters in this province. Now, today, we learn that the bill has suddenly quietly been deferred to committee without any opportunity for debate in this House or any discussion with the opposition parties.

What part of Bill 133 do Mr. Kinsella and the coalition of polluters he represents want you to change in committee? Is it the environmental penalty provisions, the reverse onus provisions? Is it holding corporate directors and officers liable for spills? Is it the definition of "containment" proposed for the Environmental Protection Act and the Ontario Water Resources Act? Minister, will you tell us what parts of Bill 133 Mr. Kinsella and his pollution coalition want you to change in committee?

Hon. Mrs. Dombrowsky: I think I have some sense of why the member from Toronto-Danforth is having trouble with the fact that this bill has been referred to committee. It might have something to do with the fact that she has been recorded publicly, Colin Perkel indicated that she said just a couple of weeks ago, that if the bill goes anywhere, she would eat her hat. Well, it's going to committee, so I challenge the honourable member to eat her hat.

ELECTRONIC SERVICE DELIVERY

Ms. Monique M. Smith (Nipissing): My question is for the Minister of Consumer and Business Services. Last Thursday, we announced in North Bay the opening of northern Ontario's first Service Ontario kiosk. As you

know, in northern Ontario we often have to drive great distances to obtain essential services. Having driven a long way, these people must then drive from office to office seeking different government services, such as OHIP cards, hunting and fishing licences and information about northern health travel grants. In my riding, my residents in Mattawa must drive 45 minutes to North Bay for many services. Can you explain how the integrated service delivery concept will make government service delivery more efficient for all the residents of Nipissing?

Hon. Jim Watson (Minister of Consumer and Business Services): What a great question. It comes as a bit of a surprise to me; I wasn't expecting this. But I do thank the honourable member for Nipissing.

This concept called Service Ontario is something our ministry and our government are very proud of. I want to also thank the Minister of Northern Development, Mr. Bartolucci, because the Ministry of Northern Development runs the government information centres in the north on behalf of our ministry.

The concept, really, is quite straightforward and simple. It's one-stop shopping, bringing together services so that consumers, the citizens of North Bay and Nipissing, don't have to travel from pillar to post to get Ontario government services. These are services such as replacing a health card, obtaining a fish or wildlife licence, accessing business information—all done with professional staff in a one-stop-shopping concept. It's something we're very proud of at our ministry. We're working hard to spread the concept to other jurisdictions and work with other levels of government as well.

1420

Ms. Smith: That's great news for the north. As you're aware, Mr. Minister, in some areas of the very remote north it's very difficult to get into even these centres. I understand that the Service Ontario Web site has increased access to essential services for all Ontarians. What services are now available on the Web site for the residents of northern Ontario as well as for those across the province?

Hon. Mr. Watson: On November 2 of last year I had the pleasure, along with my colleagues the Minister of Labour and the Minister of Culture, of launching serviceontario.ca, which, again, is a one-stop-shopping concept on the Internet. Individuals can register their business name, renew their health card or driver's licence, and gather other useful information, such as, when retiring or when an individual is having a baby, with respect to birth registration, birth certificates and so on.

We're also working with the other levels of government, federal and municipal, so we can truly create a one-stop-shopping concept so that individuals don't have to have a civics lesson to figure out which level of government is responsible for what. In Brockville, with the member from Kitchener, Mr. Milloy, we signed a memorandum of understanding with the federal government to work with them so that we can eventually have more federal government services. We're also working with municipalities across the province, including my

city, the city of Ottawa, to locate the government information centre, the Service Ontario kiosk, within Ottawa city hall, saving money and aggravation for people trying to find out who does what within the three structures of government.

SCHOOL CLOSURES

Mr. Frank Klees (Oak Ridges): My question is to the Minister of Education. Under your watch, scores of rural schools are on the chopping block. There is a great deal of uncertainty in school boards right across this province about whether rural schools will remain open. Your Premier, the self-proclaimed education Premier, said this: "It's time for a government that will keep rural schools open." Can you, as education minister, tell us today how many rural schools will be closed this coming year? Can you tell us that, in light of your leader's comments and commitment to keep rural schools open? How many will be closed this coming year?

Hon. Gerard Kennedy (Minister of Education): As the member opposite may be aware, we have made a commitment to the people and the communities of rural Ontario that is being lived out this year with \$30 million more dedicated simply to making those schools more viable. For some reason, the last government caused over 200 small, rural schools to shut down—a record number. The only thing remarkable about their management of education was how many private schools they managed to open.

We called for and had co-operation on a moratorium on school closures over approximately the last year and a half. Approximately six or seven schools were closed in that period, very few of them in rural areas. We have now started a discussion with the areas that have heavy declining enrolment because that is where the particular challenges are. We will know some time between now and the time of the budget exactly what else we'll be doing. But I will say that we're already far above the assistance given to rural schools under the last government and far above even what Dr. Rozanski asked for in terms of health for rural schools.

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): Minister, you promised to keep rural schools open and you've broken that promise. As a result of your broken promise, the Renfrew county school board in my riding has been forced to decide to close six schools, with one to be decided later this year.

You've received many letters on this subject from distraught parents and also community leaders asking for your intervention on this matter. Minister, will you address the funding shortfall and advance the necessary funds so that these vital schools, so important to those communities, can remain open?

Hon. Mr. Kennedy: I think the people of Renfrew, Deep River and so on would be disappointed to hear that their representative is here supporting a school board that is closing schools. We instead have asked that board and

every board in this province to take into account and to follow a complete new set of school guidelines for closure. The board in question is coming to terms with how they want to do that, but we have said to them and to other boards around the province that they need to take a look at the extra spaces required, for example, for lower class size, the initial supports for rural areas and the fact that we are providing additional support for capital all across the province.

At the end of the day, schools will be valued for the first time in this province on the benefit to the community, on the benefit to local economies and, ultimately, on the benefit to our rural areas. No other government was willing to take a stand. We are, on behalf of rural Ontario, and we ask the board and we ask the members opposite to join us in the help we're providing.

PENSION PLANS

Ms. Andrea Horwath (Hamilton East): In the absence of the Minister of Finance, I will direct my question to the Acting Premier. For the last couple of months I have been criss-crossing the province listening to average Ontarians talk about their pensions. They are telling me, frankly, that they are scared.

In Guelph, I met with a number of members of the Cooperatives of Ontario trustee pension plan, and they are scared because the collapse of their pension plan means their benefits were cut in half and they're having trouble paying the rent and putting food on the table.

In Windsor, I talked to workers who paid into their company plans all of their lives and have seen inflation reduce their benefits by half because their plans, like the vast majority of plans in this province, have no inflation protection.

Now, a new study by the Conference Board of Canada confirms these stories of average Ontarians: An astonishing two thirds of corporate CFOs believe there is a crisis with pension plans not having enough assets to meet their obligations.

We have a pension plan crisis in this province, and your government has been completely missing in action. Where is your plan right now to deal with this growing crisis in Ontario's pensions?

Hon. George Smitherman (Minister of Health and Long-Term Care): It would be helpful, when asking a question like that, if the honourable member would stand up and confess to the record of her party while in government on the issue of pensions, and particularly on the impact on significant employers in her very own community of Hamilton from the pension holiday that party brought in under the premise that there were pension funds in our province that were too big to fail.

I say to the honourable member that the Minister of Finance is taking this issue very, very seriously. But interestingly, the honourable member is unwilling, it would seem, to recognize the contribution her own party has made to the very serious circumstances in her question.

Ms. Horwath: The Acting Premier needs to recognize that revisiting history does not get their government off the hook for solving this problem. That's not good enough. There are many facts you need to recognize regarding this pension crisis. Millions of Ontarians—an astonishing 60%—have no workplace-based pensions. Eighty-three per cent of those in the private sector who have pensions have absolutely no inflation protection and are having a harder and harder time paying the rent and putting food on the table. We have a pension backup fund, called the pension benefits guarantee fund, which is in financial trouble and hasn't been updated since 1980, and it's increasingly unable, in this day and age—not in ancient history—to protect the pensions of millions of Ontarians.

The conference board study shows 44% of CFOs have abandoned or are considering abandoning their guaranteed benefit plans for pension plans that are far riskier. Minister, my question is, what is your government—your government—doing about the pension crisis? We're talking about retirement savings of millions of Ontarians. What is your plan?

Hon. Mr. Smitherman: I'm sure that many Ontarians would wish to agree with the honourable member that the 1990s were ancient history, because it would be to the benefit of many Ontarians to be able to forget about the legacy of that party while in office. Regrettably, on the issue of pensions, it's impossible to do so because many of the same challenges that the honourable member speaks about in her question were created in large measure by actions that party took while in government. We are continuing to deal with the challenges left by the continued legacy of these parties.

The honourable Minister of Finance is taking this issue to heart and is working hard on it. We're working to protect the interests of these employees, many of whom were left behind by that party while in government.

PUBLIC TRANSPORTATION

Mr. Mario G. Racco (Thornhill): My question is for the Minister of Transportation. The region of York is launching a \$2-million promotional campaign aimed at attracting commuters, such as working people and students, to use public transportation. The objective of this project is to remove people from their cars and for them to make the choice of using public transportation instead. Our roads will be less congested, our air will be cleaner and our economy will be stronger. In the end, a greater demand for public transportation will have been created.

Minister, are you prepared to co-operate and assist Viva, which is the name of the region of York transportation system, in achieving that objective?

Hon. Harinder S. Takhar (Minister of Transportation): First of all, I want to thank the member from Thornhill for asking this question. He is a very strong advocate for York region.

The short answer to his question is, we are absolutely going to help and work with York region to achieve that, but let me tell you what we have already done. We have given them \$5 million in gas tax funding. In addition to that, we have given them another \$2 million in other transit funding, and we have also given them \$50 million actually for the first phase of Viva. We feel that York region has done a really good job in promoting public transit in York region. We will continue to work with them to further their initiatives in attracting more people to use public transit.

1430

Mr. Racco: I remember particularly that the PCs provided a plastic cheque for \$50 million and we provided the actual \$50 million some time ago. I remember that part.

Our government has done a great deal in terms of funding transit in the GTA, not only for Viva. For instance, the two cents that we promised in the campaign is a reality today since we already approved the first one cent.

We need to know that the students of York University and York region, as well as the workers at the university, which is where the subway should be built—that the subway will be built in the near future. What is your ministry doing today to make sure that the extension of the Spadina subway to York University will become a reality, not only for the people of Toronto but for the region of York and for every Ontarian? As we build public transportation, our economy will do better and it will be good for the entire province.

Hon. Mr. Takhar: Let me tell the member that the investments we are making in public transit are already paying off, and especially our initiative of giving the gas tax money to municipalities has been a great success. In particular, on that issue alone, we have already given \$1.5 million to the city of Toronto for the environmental assessment aspect of the Spadina line. That environmental assessment is currently being worked on, and hopefully we will see the results soon. In addition to that, as I've already indicated, we have given \$50 million to York region to promote public transit in that region, but we also have buses that run on the 407 connecting York University to Oshawa and it also connects to McMaster. We will continue to keep working with them to further that.

MUNICIPAL RESTRUCTURING

Mr. Tim Hudak (Erie-Lincoln): A question to the Minister of Municipal Affairs and Housing: At a recent reception at the home of Dufferin-Peel-Wellington-Grey Liberal candidate Bob Duncanson, Premier McGuinty told the town of Caledon regional councillor Richard Paterak that when it comes to Peel region restructuring, "The province would adhere to the mediator Justice Adams's report." I'll say this with a straight face, Minister. We know one thing in this House: When it comes to his word, Premier McGuinty's word is his bond. Are you

really going to follow through with Justice Adams's recommendations when it comes to municipal restructuring in the region of Peel?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): As the member well knows, this has been a matter that has been on the public agenda for some time and there has been much discussion about it. We received Judge Adams's report some time just after Christmas and we're looking at it. As a matter of fact, we have tentatively arranged a meeting with the three heads of council, as well as the chair for Peel region, some time later on this week, to discuss the report with them. At that point in time, we will deal with them further on the issue. As we know, Peel has been an extremely fast-growing region over the last number of years, and the report from Justice Adams has certainly helped to deal with the entire situation.

Mr. Hudak: The problem with the minister's answer is that I would have expected, if the Premier had said something, you would follow through on what he had promised. In fact, the minister himself had a similar word on August 30, 2004. He wrote to all Peel municipalities and stated, "... the government continues to be interested in comprehensive, locally developed solutions, supported by a consensus of all those affected..." But lately, we're learning that in fact the Premier and his minister may be backing away from Justice Adams's report and imposing their own.

The Brampton Guardian said the problem "all comes down to ... the indecisiveness and the pandering of the Premier." They have had a series of issues and positions on this. It's like watching a ball bounce around inside a pinball machine. Minister, just tell us, do you have a plan, and what exactly is that plan for Peel region?

Hon. Mr. Gerretsen: We all know the record of that government when it comes to local government. They downloaded services on them. They disregarded any opinion that local leaders may have had. Basically, municipal government was under attack for many years during the eight years they were in power.

We have decided to take a different approach. We believe first of all in locally driven solutions if at all possible. We also believe that municipal leaders are just as legitimately elected as people at the other two levels of government. So we want to work with our municipal partners, whether in Peel or elsewhere throughout the province, because we really believe that it's for the benefit of the people of Ontario if all orders of government work well together so we can continue to enhance all the great benefits that we have in the province.

SCHOOL HEALTH AND SAFETY

Mr. Rosario Marchese (Trinity-Spadina): My question is to the Minister of Education. The Toronto Parent Network has just released a report on school health and safety, and what they found is truly disturbing: exposed

asbestos, mould, vermin and poor air quality in Ontario schools. The report reminds you and us that children and adolescents are more susceptible to asbestos and poor air quality than adults. Parents want to know why your government has failed to set health and safety standards for our schools. When will you set health and safety standards and end the neglect of Ontario schools?

Hon. Gerard Kennedy (Minister of Education): As the member opposite may be well aware, we have already ended the neglect of Toronto and provincial schools. There will be more repairs and more improvement done to the environment for students, for teachers and for everyone associated with the school community over the next 18 months than there has been in the last eight to 10 years. There will be more repairs done with a special \$3-billion fund, and we've asked every school—we've asked them, their occupational health and safety and also their safety committees that will be doing safety audits shortly—to make sure they take first priority and to make sure that our environments are safe but also functional. Finally, we are able to provide that, and the city of Toronto is going to have all of its urgent and immediate needs taken care of under this plan, the first instalment of which will take place this summer, with \$175 million, beginning the renewal that has been neglected sadly by both of the other parties in this House.

Mr. Marchese: Making some money available so school boards can borrow money to repair schools is not the same as keeping up with maintenance. You know it, the Toronto Parent Network knows it, People for Education knows it and I know it. If you don't know it, something is wrong with your knowledge of the educational system. You can install a new window, but if no one is paid to do the caulking once in a while, that window will be less effective. You have not increased maintenance dollars to hire caretakers or eradicate mice or maintain ceilings or ensure air quality. They are not there. Boards have \$2 per square foot less than it costs to keep up school buildings. There are no standards.

Stop being negligent and stop putting students at risk. Minister, will you set health and safety standards and will you fund boards so that they can meet those standards?

Hon. Mr. Kennedy: There was a government, once upon a time in this House, that was famous for passing standards and doing nothing. Instead, what we have done is provide the aforementioned fund, over \$175 million in Toronto alone; \$1 billion already across the province. Every community in this province will benefit from improved health, safety and function in their schools beginning this summer.

In addition, we have provided a 6% increase in the amount of money for school operations: for maintenance, for cleaning, for the basic things, \$76 million. We have exceeded what Dr. Rozanski said should be provided in terms of capital funds, we've already increased above inflation operations funds, and despite the rhetoric opposite, that is exactly what we intend to continue to do:

provide the quality of schools that the children of this province have long waited for but really do deserve.

1440

COMMUNITY USE OF SCHOOLS

Mr. Lou Rinaldi (Northumberland): My question is to the Minister of Tourism and Recreation. On February 9, at a school in my riding of Northumberland, we had the privilege of announcing a community use of schools agreement between your ministry and the Peterborough Victoria Northumberland and Clarington Catholic District School Board. Minister, can you tell the members of this Legislature here today a little bit about this important agreement?

Hon. James J. Bradley (Minister of Tourism and Recreation): I'm glad the member asked that question, because it's a very important one. He would remember that last year Gerard Kennedy, the Minister of Education, and I made an announcement that \$20 million would be going to school boards across Ontario so that they could lower the user fees and increase the hours of access for non-profit organizations throughout the province.

The community use of schools agreement mentioned by the member from Northumberland involves a grant of some \$145,000 for increased and affordable access to 38 schools and is a result of a commitment by the Ministry of Tourism and Recreation, the Ministry of Education and the PVNC Catholic school board to reopen their neighbourhood schools, which were shut as a result of a funding formula implemented by the last government that amounted to cuts in this field.

This has been very good for people who want to have access to schools for which they've already paid their taxes. It allows for them to exercise and to have many community activities take place outside of the regular school hours.

Mr. Rinaldi: Thank you, Minister, for that response. I know that giving our school gymnasiums and playing fields back to our local groups will go a long way toward making our public schools the hubs of communities that they were before the Conservative government took over in the mid-1990s. Minister, can you tell the Legislature what this agreement is going to mean to groups in my community?

Hon. Mr. Bradley: Yes, I have the details on the agreement that you're speaking of, for the Peterborough Victoria Northumberland and Clarington Catholic board. The agreement between my ministry and the board will significantly decrease the user fees that non-profit groups like the Girl Guides, Boy Scouts, senior social clubs and recreation groups will have to pay.

Here are some of the details. In this particular agreement, classrooms will go from \$10 an hour to zero, single gyms from \$15 an hour to zero, double gyms from \$20 an hour to zero, the annual custodial supply fee of \$75 is now zero and the rates for weekend use on the annual application fee have been reduced by some 65%. I'm also pleased to point out that a similar agreement

with the Kawartha Pine Ridge school board has also been signed, making all schools in the member from Northumberland's riding more affordable and accessible for non-profit groups.

NORTHERN AIR SERVICE

Mr. Jerry J. Ouellette (Oshawa): My question is for the Minister of Natural Resources. Minister, you've recently shut down the Frost Centre, and options are currently being reviewed as to the use of it. Is your ministry currently considering selling off Ministry of Natural Resources assets?

Hon. David Ramsay (Minister of Natural Resources): The answer to the question is no.

Mr. Ouellette: Minister, as you know, the ministry's air service has a long and dedicated service to the province of Ontario. From firefighting to evacuation to research, the air service has been serving the province of Ontario for a long time with distinction. Recently, it's been brought to my attention that potential changes may be forthcoming within the air service. Can you or will you confirm or deny that your ministry is currently reviewing proposals for privatizing or selling off the air service?

Hon. Mr. Ramsay: I'm very happy to address this question to the member and the former minister of this department. As the member will know, you have ongoing reviews of operations within any ministry; that's good business practice. We are doing that review throughout our particular ministry.

Aviation services has a proud history in MNR. We're the world's leaders in firefighting and in the wildlife management that we do, and we share that expertise with countries around the world. We are reviewing the full operation of that. As you know, it's quite an integrated service between the executive aircraft, the technical aircraft and the firefighting aircraft—some of the best in the world. We're looking at that. We're always looking at that to make sure we can do a better job.

CORONER'S INQUESTS

Ms. Shelley Martel (Nickel Belt): I have a question for the Acting Premier. On November 29, Paul and Maryann Murray came to Queen's Park to ask the Minister of Community Safety and Correctional Services to order an inquest into the death of their daughter. Their daughter Martha died in September 2002 after she was prescribed and took lithium to deal with her bipolar disorder. She also suffered from a potassium deficiency known as hypokalemia. Unbeknownst to her and her family, she should never have taken the lithium because of the potassium disorder, because it could cause cardiac arrest.

The minister at that time refused to order an inquest into the death. Just after that, they were speaking with a former aide to the Premier, Bob Lopinski, about what the next step was for the family. Mr. Lopinski suggested that

the government might establish a legislative committee to look at the findings of deaths related to natural causes as described by the coroner when in fact these deaths might not be natural at all.

We have been following up with Aaron Lazarus in the Premier's office to find out whether or not the government is interested in establishing such a committee. Can we get some kind of indication from the government today: Is the government going to move forward on this important issue on behalf of the Murray family?

Hon. George Smitherman (Minister of Health and Long-Term Care): I would like to take the excellent question from the honourable member under advisement. I have not had any involvement with that issue to date, but we'll endeavour to work on the government's behalf to get back to you as quickly as possible. Beyond that, I'm not in a position to shed much light on the question.

Ms. Martel: I appreciate that offer. I should say to the minister that the Murrys have been very concerned about the statement that has come back from the coroner saying that this death was from natural causes, especially in light of all the medical evidence that clearly shows she should not have been prescribed or taken the lithium. They have at every attempt tried to talk to the coroner's office and to everyone else who should be involved in this matter about how to get some changes either to the Coroners Act or federal legislation to make sure that when this type of thing happens, the federal government is advised of these incidents. They have gotten nowhere.

We very much appreciate the suggestion that was made by the former aide. We hope the government is serious about establishing a legislative committee. This is not the only death where the coroner has alleged natural causes and where the circumstances appear to be otherwise.

I would ask the minister, will he undertake to get back to this Legislature as soon as possible with the government's recommendation in this regard, so that the Murray family can know that someone is finally taking this issue seriously, and so that an investigation can take place, not only with respect to the death of their daughter but other people who have died under similar, very difficult and suspicious circumstances?

Hon. Mr. Smitherman: I think I have significantly given the member the undertaking that I'll do that. I would say that the presentation of the information or facts as she knows them are not known to me. I can't confirm them in any sense at all. But we'll endeavour to get information and report back to the honourable member with our government's view.

LAKE ERIE FISHERY

Mr. Bruce Crozier (Essex): My question is to the Minister of Natural Resources. As many of us know, Lake Erie is the smallest of the five Great Lakes and ranks 18th in the world by volume of fresh water. It supports at least 140 species of fish, of which at least 18 are caught by anglers and 11 by commercial fishermen.

To help make the walleye, or pickerel as we know them, and the yellow perch management decisions, a Lake Erie committee has been made up of representatives of the Ontario Ministry of Natural Resources, the New York Department of Environmental Conservation, the Pennsylvania Fish and Boat Commission, the Ohio Department of Natural Resources and the Michigan Department of Natural Resources. I know that every March a committee made up of the province and these states meets and reviews the status of the fisheries in the Great Lakes. What I would like to know, Minister, is, of those allowable—

The Speaker (Hon. Alvin Curling): Thank you.

Hon. David Ramsay (Minister of Natural Resources): I want to assure the member that while it's a small lake, it's a mighty small lake, and it's a very healthy lake and it's teeming with fish. Because of that, we've been able to increase the American walleye—the proper name of that fish—by 143% this year. That's good news for the villages along Lake Erie and the commercial fishery there. It's also good news for the sports angling industry, which is a huge, multi-million dollar industry in this province, very important to the economy of Ontario and especially to all our Great Lakes.

I would say to the member, because it looks like I probably won't have time to give him a supplementary, that we've also had an increase of 7% in the yellow perch catch for this year in Lake Erie. That's also very important to this industry.

PETITIONS

VOLUNTEER FIREFIGHTERS

Ms. Laurie Scott (Haliburton–Victoria–Brock): “Support Volunteer Firefighters.

“To the Legislative Assembly of Ontario:

“Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

“Whereas the Ontario Professional Fire Fighters Association has declared their intent to ‘phase out’ these double-hatter firefighters; and

“Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario; and

“Whereas Waterloo–Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnett's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

It was signed by hundreds of people from my riding, and I support this.

The Speaker (Hon. Alvin Curling): Could I ask the members who are leaving the chamber to do so quietly so I can hear the members who are presenting their petitions.

1450

PENSION PLANS

Ms. Andrea Horwath (Hamilton East): This petition is to the Legislative Assembly of Ontario.

"Whereas it has been more than 15 years since the last significant reform of Ontario's pension laws;

"Whereas the New Democratic Party believes that all Ontarians who have worked hard all their lives should be able to live out their retirement years with dignity and security;

"Whereas the fact that 60% of Ontarians are not covered by a workplace-based pension plan of any kind is simply unacceptable;

"Whereas the fact that 83% of workers in the private sector who do have pensions have absolutely no inflation protection and will inevitably see their pension benefits seriously eroded over their retirement period; and

"Whereas Ontario's pension backup, the pension benefits guarantee fund, only guarantees benefits up to \$1,000 a month and excludes multi-employer plans; and

"Whereas pension plan members now have to wait two full years before they are able to take the employer's contributions to their plans with them if they leave;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To immediately establish a special legislative committee to examine pension issues and recommend real reforms to protect pensions and ensure all Ontarians dignity and security upon retirement.

"To support a plan of meaningful pension reform as proposed by Howard Hampton and the NDP whereby:

"All plan members receiving benefits under a defined benefit pension plan in Ontario would receive some inflation protection;

"The pension benefits guarantee fund would be increased to \$2,500 a month and multi-employer plans would be covered as well;

"Members would have immediate ownership over all contributions to their plan; and

"Measures would be taken to increase the proportion of workers covered by workplace-based pension plans."

I agree with this petition and affix my signature thereon.

WORKERS' COMPENSATION

Mr. Bill Mauro (Thunder Bay-Atikokan): I have a petition here addressed to the Legislative Assembly of Ontario.

"Whereas, since Bill 99 was passed in 1997 by the Harris government, the situation for injured workers with respect to income, recognition of their injuries by the compensation system, treatment by the employer and opportunities for re-employment has dramatically deteriorated; and

"Whereas employers have more power today to frustrate and intimidate injured workers and are less accountable for their actions; and

"Whereas employers are increasingly putting greater effort into avoiding reporting of claims and associated costs than into preventing injuries; and

"Whereas the compensation system is increasingly more concerned about minimizing costs for employers than ensuring full compensation for workers; and

"Whereas it is the responsibility of the provincial government to ensure fair and adequate compensation for workers and to ensure healthy and safe workplaces;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To direct the provincial government to immediately:

"Change the name of the Workplace Safety and Insurance Board back to the Workers' Compensation Board;

"Implement full cost-of-living protection for injured workers;

"Establish full coverage for all workers and all work-related disabilities and diseases under the ... system;

"Abolish experience rating which encourages employers to, and rewards them for, hiding occupational injury and illness by giving them money back from their premiums;

"Enforce health and safety in the workplace by hiring more inspectors and sending them to workplaces;

"Enforce employer re-employment obligations and abolish provisions which deem workers to be receiving wages from jobs they don't have;

"Conduct a complete review of the workers' compensation system in order to write new legislation which ensures fundamental benefits and rights for workers, including survivors of workers killed on the job, as called for in the CAW Jobs or Full Compensation platform."

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): I'm going to really reinforce this petition today.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities,

many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

More than ever, I am pleased to signed this.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): I have a petition to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation that reads as follows:

"Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West ... making it easier for GO trains to pass a major rail crossing;

"Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair-Old Weston Road bridge;

"Whereas this bridge ... will be (1) too narrow for the planned TTC right-of-way since it will leave only one lane for traffic; (2) it is not safe for pedestrians ... and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore, we the undersigned demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead, it will create a dynamic, revitalized community enhanced by a beautiful, continuous cityscape with easy traffic flow."

I'm delighted to sign my name to it.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): I have a petition to save the Banting homestead.

"To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth"—Alliston—"is

deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I agree and I've signed this petition, and I want to thank the people at the Nottawasaga Inn in Alliston for circulating this.

TEACHER QUALIFICATION

Ms. Monique M. Smith (Nipissing): My petition is to the Legislative Assembly of Ontario.

"Whereas the 2005 graduates of the publicly funded faculties of education in the province of Ontario will have met all the requirements of the individual faculties; and

"Whereas these same publicly funded faculties of education in the province of Ontario have all met the stringent standards as outlined and controlled by the Ontario College of Teachers; and

"Whereas the 2005 graduates of the publicly funded faculties of education in the province of Ontario will be placed at a severe disadvantage if they are given a provisional certificate of qualification by the Ontario College of Teachers;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To make the changes necessary to the Education Act and/or its regulations in order to grant the 2005 graduates of the publicly funded faculties of education in the province of Ontario a permanent certificate of qualification, or

"To deem that the bachelor of education degree granted to the 2005 graduates of the publicly funded faculties of education in the province of Ontario deems them to have completed the equivalent of the Ontario teacher qualification test, thus allowing the Ontario College of Teachers to grant these same graduates a permanent certificate of qualification."

I affix my signature thereto.

CASINO WINDSOR

Mr. John O'Toole (Durham): "To the Legislative Assembly of Ontario:

"Whereas the province of Ontario has announced plans to spend \$400 million on renovating the Windsor casino"—can you imagine it?—and

"Whereas we believe health care, education and agriculture are among the many areas that have a higher priority than gambling; and

"Whereas the \$400-million casino expenditure announced by the provincial government on February 15, 2005, is enough money to hire 3,600 full-time nurses or 1,480 full-time doctors for two years or eliminate the projected deficit Ontario hospitals" like Lakeridge "are facing this year;

"Therefore we, the undersigned, urge the McGuinty government not to gamble with the health of Ontario citizens. And we further urge the McGuinty government to postpone the" reckless "spending of \$400 million on the Windsor casino and to invest this amount in the real priorities of Ontario's citizens, such as a healthy, vibrant and prosperous Ontario."

I'm pleased to sign this on behalf of the employees and the patients of Lakeridge Health, Oshawa, and beyond.

1500

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Pat Hoy (Chatham-Kent-Essex): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close the Southwestern Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in their community;

"Whereas closing the Southwestern Regional Centre will have a devastating impact on residents with ... disabilities, their families, the developmental services sector and the economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of the Southwestern Regional Centre to expand specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Southwestern Regional Centre open as a home for people with developmental disabilities, and to maintain it as a 'centre of excellence' to provide specialized services and support to Ontarians with ... needs, no matter where they live."

This is signed by a number of residents from Blenheim, West Lorne and Ridgetown. I have hundreds of signatures, and of course I have signed this petition.

WATER EXTRACTION

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I have received many signatures over this winter concerning the fee for a permit to take water.

"Whereas farmers across Ontario are facing an income crisis;

"Whereas farm businesses are not able to absorb this expense, at \$750 to \$3,000;

"Whereas the fee for permits to take water will discourage farmers from participating in this water management activity;

"Whereas agriculture water usage is only applied under extreme conditions for crops, which farmers apply best management practices on a regular basis;

"Therefore be it resolved that we, the undersigned, petition the Ontario government to exempt agricultural water users for irrigation purposes from any fees pertaining to the permit to take water regulations."

I understand this is in progress, and I affix my signature to that.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Andrea Horwath (Hamilton East): This petition is to the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

TENANT PROTECTION

Mr. Tony Ruprecht (Davenport): I received another petition from the Doversquare Tenants' Association. It reads as follows:

"Whereas the so-called Tenant Protection Act ... has allowed landlords to increase rents well above the rate of inflation...;

"Whereas the Ontario Rental Housing Tribunal ... created by this act ... awards major and permanent additional rent increases to landlords...; and

"Whereas our landlord, Sterling Karamar Property Management, has applied to the Ontario Municipal Board ... to add a fourth high-rise unit to our compound in order to circumvent city of Toronto restrictions on density and the city's opposition to its project;

"Whereas this project would lead to overcrowding in our densely populated community, reduce our precious green space, further drive up rents and do nothing to solve the crisis in affordable rental housing;

"Whereas this project will drive away longer-term tenants...; and

"Whereas before ... October 2003" it was promised that real protection would be instituted;

"Whereas our own MPP ... called for a rent rollback...;

"We, the undersigned residents of Doversquare Apartments in Toronto, petition the Parliament of Ontario as follows:

"To institute a rent freeze until the exorbitant Tory guideline and above-guideline rent increases are wiped out by inflation;

"To abrogate the Harris-Eves 'Tenant Protection Act' and draw up new landlord-tenant legislation which shuts down the notoriously pro-landlord ORHT...;

"To keep the McGuinty government to its promise of real changes at the" Ontario Municipal Board, "eliminating its bias toward wealthy developers and enhancing the power of groups promoting affordable housing, sustainable neighbourhoods and tenant rights."

Since I agree, I have signed my name to it.

ORDERS OF THE DAY

PLACES TO GROW ACT, 2005

LOI DE 2005 SUR LES ZONES DE CROISSANCE

Resuming the debate adjourned on March 8, 2005, on the motion for second reading of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

The Speaker (Hon. Alvin Curling): Further debate? Does the minister wish to—

Hon. David Caplan (Minister of Public Infrastructure Renewal): No.

The Speaker: Mr Caplan has moved second reading of Bill 136. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a 30-minute bell.

Pursuant to standing order 28(h), a request has been made that the vote on the motion by Mr. Caplan for second reading of Bill 136, An Act respecting the estab-

lishment of growth plan areas and growth plans, be deferred until Wednesday, April 6, 2005.

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Resuming the debate adjourned on March 9, 2005, on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

The Speaker (Hon. Alvin Curling): Further debate?

Does the minister wish to reply? No?

Mr Watson has moved second reading of Bill 158. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a 30-minute bell.

Pursuant to standing order 28(h), a request has been made that the vote on the motion by Mr. Watson for second reading of Bill 158, An Act to replace the Theatres Act and to amend other acts in respect of film, be deferred until Wednesday, April 6, 2005.

LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS CONCERNANT LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on March 30, 2005, on the motion for second reading of Bill 144, An Act to amend certain statutes relating to labour relations / Projet de loi 144, Loi modifiant des lois concernant les relations de travail.

The Speaker (Hon. Alvin Curling): Questions and comments?

Mr. Peter Fonseca (Mississauga East): It's a pleasure to speak to the Labour Relations Statute Law Amendment Act, 2005, Bill 144, under the tutelage of our great Minister of Labour, Chris Bentley. He has brought forward a piece of legislation under the McGuinty government that will restore fairness and balance to the labour relations system, to improve workplace relations and maintain the stability necessary for a productive economy, something we all want and cherish here in the great province of Ontario.

1510

Businesses make their decisions to invest in a province, in a country, based in large part on many different factors, including, yes, taxation regimes, interest rates, the valuation of currency, a well-educated workforce and a stable economy. Businesses, however, are known to invest in Ontario for a variety of reasons that we are investing in, namely, a highly educated workforce, our

technological capability, our proximity to major North American markets and the high quality of life found here in Ontario. We're continuing to create an economic environment in Ontario that will ensure that businesses continue to invest and grow.

Ontario's combined federal and provincial income tax rate was 36% in 2004, which is lower than the Great Lakes states, with an average of 40% when looking at the United States.

Often, you may hear some fearmongering from the previous government about this piece of legislation, but it's important to note that all the companies that are talking about this legislation had always invested in Ontario prior to the law being changed by the previous government that really shifted the balance away from labour and over to big business.

Mr. John O'Toole (Durham): It's a pleasure to respond to the member from Nickel Belt. That's actually the process we're in, in the procedure here.

I just want to put on the record that in my riding I hear from people on Bill 144 who are happy and those who are displeased with the status of this particular legislation. It is an important bill—I would say that—but our position clearly is that we're moving backwards in the labour relations field. I think we need to strengthen the Employment Standards Act.

I'm looking at a letter here from Ron Boivin, chair of the TDS Automotive Unit, CAW Local 222. It's a letter dated February 8 to Dalton McGuinty, the Premier: "After hearing your government's position of late regarding a two-tier certification process for workers, we felt we had to speak up. Most non-unionized workers face discrimination in their workplaces on a daily basis and now they face the same from your government." I believe that says a lot for the position that I believe the NDP will be voicing.

I want to put on the record that certainly in my position as an elected person serving all the public in Durham, I'm pleased to listen to all input from all sides. That's the balance. But it seems the government is relentlessly pushing for their agenda, and their agenda only. I believe in this case they're not listening to the CAW's position, which according to today's paper is looking at certification processes at Toyota.

I want to say on this bill that it's the need to disclose salaries that needs to be addressed. The Ontario Labour Relations Board will now be able to arbitrarily, as a last resort, grant union certification. There's a lot of movement here. I believe the minister should make sure that the Employment Standards Act addresses and protects the needs of workers in Ontario, while at the same time making sure you have democracy in the workplace.

McGuinty is making Ontario an unattractive place for employers and indeed investment, which results in jobs for the people of Ontario and a resulting increased quality of life for all of us to share because of the strong economy. Send a signal to Ontario. In many cases, this government is sending a signal that we are not open for business in Ontario. That's the wrong message, Minister.

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to provide some questions and comments, particularly around the debate on Bill 144 provided by the member from Nickel Belt. I have to say that I had a chance not necessarily to hear her comments in her debate but certainly to take the time to review them, and I have to agree with her on a number of issues that she raised very appropriately in this debate. I look forward to doing so as well later on this afternoon.

The issue is one of this government's refusal to basically reinstate what was law in this province in regard to card certification for decades, under Premiers of every stripe since the 1950s. It's very difficult for us to understand how the government on the one hand talks the talk about doing the fair thing and then, when anybody takes a good look at the legislation they bring forward—and not just this legislation but unfortunately many other pieces of legislation—they're doing the exact opposite. Some of us would call that different things, but what I would call that in this particular case is a big, huge disappointment, as would many, many people across the province.

Unfortunately, as the member from Nickel Belt mentioned in her speech, the very people who are going to be affected negatively by this government's refusal to reinstate a long tradition of card certification in this province are the people who are most vulnerable in the workplace. Those people include women workers, immigrant workers and visible minority workers. In fact, this minister is doing no good service to workers in this province, because he's refusing to reinstate a very key aspect of, quite frankly, democracy in the province of Ontario through the provision of card certification. Unfortunately, he has decided that one group of workers is able to certify their trade union in their workplace with a card-based process but not all workers. This is simply unacceptable.

There are other issues that this minister refuses to deal with, like scab labour, for example—another issue raised by the member from Nickel Belt.

Mr. Dave Levac (Brant): I was fortunate enough to hear the member from Nickel Belt, and she has laid out some challenges for us to take a look at. I want to remind the member that the maiden speech the Minister of Labour made indicated that there's more to come. They're going to be looking at this as a balanced approach, with the understanding that there might be more things to be investigated in the future in terms of what labour relations are all about and how we perform in the province. It does give us an opportunity to take a breath and say, "Where is this balance? Where do we need to find it?"

I hope the member will excuse me if I move to the remarks of the member from Kitchener-Waterloo, who professed profoundly that the sky is falling and we are going to go to hell in a handbasket because we are going to do card certification. As the member from Nickel Belt so nicely pointed out, we existed long before that—I think it went back to Frost—whether or not we intro-

duced card certification. Because of this pendulum swing that went so far to the other side, the minister was charged with trying to find a balance. I think he's struck a chord with us to find where we're headed, and I think the direction is reasonable.

The other point I want to make is about investment. For Pete's sake, we've got some investments that even the unions are lining up and saying, "Good work for you," because people are coming to our province. Perfect examples would be Ford, GM and Toyota.

In my riding, we're taking a look at Ferrero Rocher, for the first time in North America, supplying NAFTA communities with chocolates and their product: 1,300 jobs. Let's look at the reason why they're coming. They're looking at availability of the job market. They're looking at the health care that we have in this province, which is an advantage of about \$2,500 per worker compared to the United States. They did their due diligence and they're picking Ontario.

Chicken Little is proclaiming that the sky is falling and no one's going to invest in Ontario. In fact, the climate has never been better, and we're moving forward with it. I thank the minister for his thoughtful process.

The Speaker: The member from Nickel Belt has two minutes in which to wrap up.

Ms. Shelley Martel (Nickel Belt): Thank you to all the members who participated.

I'm opposed to this bill for two reasons. First, I'm not going to support a bill that discriminates against a class of workers, and this is exactly what Bill 144 does. Secondly, I'm not going to support a bill that brings forward amendments to the Ontario Labour Relations Act and fails to bring forward provisions that would ban scabs from the province of Ontario during strikes or lockouts.

Let me deal with the first issue. Members have said that the minister has found a balance. Isn't it strange that previous governments, beginning in 1949 and right up to 1995, found a balance by ensuring that all workers—all workers—had access to card-based certification in a union drive? Now this government says they have found a balance because they are going to discriminate against the majority of workers by allowing only workers in the construction trade to have access to card-based certification. That's wrong. That's discrimination. That doesn't represent the balance that had been achieved between 1949 and 1995 by successive Conservative, Liberal and NDP governments.

1520

It is wrong to discriminate against immigrant women, women of colour and disabled women, who are particularly vulnerable to employer intimidation during a union drive. That's why previous governments, with the exception of the Ernie Eves and Harris Conservatives, made sure that card-based certification was applicable to and accessible by all workers across all sectors. These are the people who are most likely to be intimidated. These are the workers who most need—who most need—card-based certification. I'm not going to support any legis-

lation like this one that specifically discriminates against other classes of workers. That's just absolutely wrong.

I'm not going to support this bill, because previously in opposition there were a number of Liberal members who said, "We need to ban scabs again." Here's the time, here's the place, here's the opportunity, with amendments to the Ontario Labour Relations Act before us. Where is the prohibition against scab labour?

The Speaker: Further debate?

Mr. Brad Duguid (Scarborough Centre): Mr. Speaker, I'll be sharing my time with the member for Mississauga West. It's going to be a very interesting 10 minutes.

We're here to speak on Bill 144, the Labour Relations Statute Law Amendment Act. This bill brings back fairness and balance to Ontario's labour relations after 14 years of a time when fairness and balance were not really part of the vocabulary from both sides. It might have been from one side at one time, from the other side at another time, but never for the entire labour relations environment here in this province.

The previous two governments, first the NDP, then the Tories, each took extreme, philosophical approaches to labour relations. The result was, first, a hit on Ontario businesses and our competitiveness as a province by the NDP, and second, a hit on the working people of Ontario by the Tories.

In labour relations, governments should be neutral, favouring not labour but balance, favouring not business but fairness. For the last decade, fairness and balance have been replaced by philosophical extremism, pro-labour versus pro-business. The result: Over a dozen years of Tory and NDP extremism in labour relations has polarized workplaces, led to business and labour instability, confrontation and unrest, and an economy that has not performed up to its potential. The McGuinty government approach contrasts with the past dozen years: a fair and balanced approach, which will result in stability in the workplace, improved economic growth, increased productivity, the encouragement of investment and enhanced prosperity.

This bill would remove some of those unnecessary and provocative measures that created disharmony and instability in the workplace. It will remove the requirement, for instance, to post decertification information. This was purposely provocative, a stick in the eye to union members that did absolutely nothing to promote a healthy business climate or a stable labour relations environment. It will remove the requirement for unions to disclose the remuneration paid to union officials. Again, this was just another stick in the eye to union members and union officials, another policy brought in by the anti-union Tory government just to annoy and provoke, just to destabilize, something that this bill will ensure we can get away from.

Giving more teeth to the Ontario Labour Relations Board is an important part of this bill. It restores the traditional power to certify a union when an employer breaches labour relations laws. This is balanced by

restoring the Ontario Labour Relations Board's power to dismiss an application for certification where a union violates labour relations laws.

This legislation recognizes the distinct nature of the construction industry, making the special bargaining and dispute regime for the residential construction sector in Toronto, Halton, Peel, York, Durham and Simcoe counties permanent. It also adds a card-based union certification system as an alternative to a vote-based system in the construction industry, recognizing the vagaries of the construction industry, recognizing that the construction industry is often very difficult because people are moving around all over the place. It's very difficult to pull workers together in one particular site.

What we have here is a creative way of making sure that we'll have a fair labour relations environment, a regime that discourages employer interference in union organizing. When a business threatens to close down a workplace if a union is certified, when an employer dismisses, suspends, lays off or disciplines workers because they're union supporters, when the labour relations environment is poisoned to this degree, measures have to be taken to protect those workers to ensure that they have the ability to organize.

There are a lot of remedies available. The Ontario Labour Relations Board has before it the ability to cease and desist certain actions, remove discipline from an employee's record, post in the workplace or mail to employees the board's decisions, reimburse organizing costs, and provide the union with names and contact information of employees in the proposed bargaining units.

All of these remedies can be effective, but they don't always work, and that's why we need more. That's why we need to have more teeth in this legislation. That's why, when these measures and remedies fail, stronger measures are necessary.

To address the worst labour relations violations, this bill will restore the Ontario Labour Relations Board's historical, long-standing powers to certify a union automatically where an employer has breached the labour relations laws during a union organizing campaign.

It's all about balance, it's all about fairness, and that's what this legislation will bring to our labour relations environment in Ontario.

Mr. Bob Delaney (Mississauga West): When you study science or mathematics, one learns that in nature, its competing forces seek a sustainable equilibrium. A sustainable equilibrium—something that in business we call a level playing field—is an environment that my colleague the Minister of Labour is rebuilding step by step within Ontario.

Bill 144 amends three pieces of legislation enacted between 1995 and 2001. Its purpose is to strike a fair and reasonable balance in the organization and certification of a collective bargaining unit.

The relationship that a company has with its users, clients or customers drives its ability to sell its products and services, but the relationship that a company has with

its employees drives its ability to function. Is a union appropriate in all circumstances? No. As an old friend who taught me labour relations in my postgraduate studies once told me, "Generally, if a company gets a union, it gets the union it deserves." If a company treats its employees well and is open and caring with them, those employees often won't form a collective bargaining unit. But if the structure and circumstances of a company or an industry place the people in an industry or a company at the risk of unfair treatment, the structure within which they may choose to form a collective bargaining unit should be fair, timely, transparent and hard to abuse. This is the balance that the Minister of Labour has achieved with Bill 144.

Bill 144 restores to the construction sector the option of applying for certification on the basis of union membership by signing a union card. In a card-based system, at least 55% of employees in the proposed bargaining unit would need to sign a card. Why would a card-based certification be appropriate in the construction field? Because the field itself is unique in several ways: It's project-related, job sites come and go in days or weeks or months, and its workforce tends to be transient. Requiring a process whose duration may exceed the lifetime of the project isn't much of a solution. So the construction industry retains the option of using card-based certification for a bargaining unit. Of course, a construction union retains the option of seeking certification under a mandatory vote. For the prospective members of the bargaining unit, having as few as 40% of the workers sign cards requires the Ontario Labour Relations Board to order a vote, and a majority of the ballots cast will then decide whether a bargaining unit will be certified. As a check and balance in the process, the OLRB has the power to order a secret ballot vote if the board feels it would be appropriate in the circumstances.

Bill 144 also abolishes some of the more provocatively abusive measures enacted by the former government. For example, it's no longer necessary for individual unions to disclose the names of those in the union earning \$100,000 or more, although such umbrella organizations as the Ontario Federation of Labour are still subject to this disclosure. It is no longer mandatory for employers in unionized workplaces to publicly post and distribute information about the decertification process to employees. In fact, employers will receive a 30-day transition period to remove such posters. One wonders why such a provision might be enacted in the first place, and I join with my friends in the union movement in saying, "Good riddance to a bad law."

1530

Bill 144 makes permanent a temporary bargaining and dispute-resolution mechanism for the residential sector of the construction industry in the GTA. The temporary regime provides for a common three-year bargaining cycle, a 46-day window for strikes and lockouts, an arbitration process, and a structure of meetings between stakeholders and the Ministry of Labour. These provisions have worked; however, they are due to self-repeal

at the end of this month. Imagine: The previous government actually designed something workable for both management and labour.

Bill 144 repeals the mandatory repeal of these workable provisions and makes them permanent. These temporary—and, upon passage of the bill, permanent—visions came about after a major disruption in the construction industry in 1998. They proved to be successful. Contractors supported them; so did home builders, buyers and suppliers.

Bill 144 isn't rocket science—and it's a great relief because, while the minister is a superb manager and a great trial lawyer, he'll never be a rocket scientist. But the bill is good sense, and it reflects the plain-spoken, no-frills good judgment that my colleague the Minister of Labour displays daily in this House and in his daily work. The balance, the fairness and the clarity in Bill 144 reflect well on the balanced playing field that it promulgates in our workplaces. It also reflects well on the talent of the minister and his hard-working staff. I look forward to the speedy passage of Bill 144.

The Speaker: Questions and comments?

Mr. Jim Wilson (Simcoe-Grey): I find the comments from members opposite quite intriguing—both the member for Mississauga West and Scarborough Centre, I believe. First of all, something the public would understand: We had brought in disclosure legislation for those union leaders making over \$100,000. Both honourable members who just spoke think it's a triumph that suddenly they're getting rid of that transparency in most cases and going back to the good old bad days, as I say, of secret union organizations and secret salaries and we didn't know what their pay was. We have to disclose our salaries. Public servants have to do that, people in the greater public service have to, and it's only logical that elected members of unions do that too.

Scrapping secret ballots—we're going to go back to the old days of intimidation. This government probably won't be in government by the time all of this bill takes effect and we see it in full bloom on the front lines of unions and shops across the province. But the fact of the matter is, throughout this bill you're taking away the rights of workers.

We finally had a government—our government—that stood up to the unions and said, "You're not in this for your own self-interest; you're in it to provide good leadership and representation to your members. To do that, you need to have secret ballots. You need to have a democratic process that everybody can understand and have faith in without intimidation." You're just going to go back to the old brutal days of head-beating and beating everybody up and intimidating people.

I see it all the time as they try and unionize Honda in my riding. Unionize Honda and, I tell you, Honda will close down. They will leave those two plants and the 5,000 jobs, some of the best-paying jobs and the best benefits in the province. Their benefit packages are better than the so-called Big Three auto companies. And by the way, they're making more cars now than some of the Big

Three auto companies, so we should be calling Honda a Canadian firm and not a Japanese firm, as the government often refers to it.

Finally, I just want to say, this is just giving in to the unions—your buddies. You did the same thing with the teachers' unions; you did the same thing with the LCBO unions when you cancelled agency stores in our small towns. Shame on you.

Ms. Horwath: It's my pleasure to rise to make comments on the debate provided by the members from Scarborough Centre and Mississauga West. I have to tell you that it's quite interesting to listen to the flowery rhetoric that these members were speaking just moments ago and the fancy words they were using—things like "balance," "equilibrium," "level playing field." I find it quite galling because, really, the big word that's not being uttered by this government, and should be, is "discrimination." It's a big, ugly word, and unfortunately it really does reflect what this bill is all about.

They had the gall to go on and on, particularly the member from Mississauga West, about the details of the process for card certification, without even mentioning once that this bill is saying that only some workers in Ontario, only a very few workers in Ontario, are going to be able to use that system that he took pains to describe in order to make sure that their workplace is represented by a trade union. You know what? I find that very disturbing. Although it's disturbing, it is quite typical of this government to ignore the fatal flaw, the glaring problem with the legislation that they're bringing forward and to pretend that it's something that it's not. That's not something we're unaccustomed to when we see the legislation coming forward from the Liberals, as well as the way they describe their legislation.

Quite frankly—we've said it before, we'll say it again and we'll continue to say it throughout the entire debate—this bill just does not cut the mustard. It doesn't cut the mustard in regard to representation or in regard to covering all workers in Ontario with the card certification process. Also, it does not cut the mustard in that it forgets or ignores many other distasteful pieces of labour legislation the previous government brought in that simply do not belong in an open, democratic society that respects workers in every workplace in the province.

The Speaker: Questions and comments? The member for Perth-Middlesex.

Mr. John Wilkinson (Perth-Middlesex): Thank you, Mr. Speaker. It's good to see you here today.

I wanted to enter into the debate on Bill 144 yet again on my premise that there are those people in this province who seem to have ideological blinkers on when it comes to labour relations, who seem to have a knee-jerk reaction.

I listened to the member from Simcoe-Grey. His dislike for unions is almost palpable, forgetting, of course, that we live in a free and democratic country, in a free and democratic society, where if people want to get together, have a common interest of working in the same workplace and want to form a union, that is their right.

There are some people who just seem to be opposed to that, even though I think it's a cornerstone of our democracy. There are other people who are opposed to it because they feel that somehow there should be an ideological balance, or an imbalance, to the people who are working.

I want to relate that I come from a long and illustrious line of capitalists. My grandfather was a trust officer, my father was a chartered accountant and I'm a certified financial planner. I consider myself to be a small business person, and I've been quite successful. Now, my wife, for many years, was a cashier at Zehrs—Loblaws and then it became Zehrs—and as a result, she was a member of the union. She's the first person in her family ever to belong to a union. She comes from rural Ontario, from Marmora, and there weren't, I think, any union jobs up there. I want you to know that my wife and I were able to conceive three children together. So I don't believe people who come to me and say that somehow, business and labour can't seem to work it out. I believe that in this province, and I've said it on the campaign trail, it is true that business and labour, if there's a common interest, can come together and create the most wonderful of things.

I am proud to support the Minister of Labour. I believe in that balance. I believe in the yin and yang of labour relations. I commend the minister. I look forward to supporting the bill.

The Speaker: The member from Mississauga West has two minutes to reply.

Mr. Delaney: I thank my colleagues for their contribution. To the member for Simcoe—Grey, who infers that somehow or other workers' rights have been infringed on, he's quite incorrect. In fact, the free vote is still the norm and not the exception. Indeed, in anything but a construction setting, there's a very specific protocol that requires a written vote, a written certification. It takes many of the provisions passed by the former government that mitigate against it and renders them fair.

We feel this is the equitable way of allowing a collective bargaining unit to either certify or choose not to certify. In just about every field in which you've got a stable workforce, such as a retail or an industrial setting, a workforce that works in the same place and on an ongoing basis rather than a project basis has to meet the criteria to have a secret ballot and a written vote. So let's be very clear about that.

The other thing that Bill 144 does, of course, is that referring to a situation where an employee may have been dismissed or disciplined, it provides for the reinstatement of the employee, a point that some of my colleagues didn't quite make.

Bill 144 is a step forward. Bill 144 establishes a regime in which it's fair, balanced, equitable, clear and transparent with regard to the certification of a union. It allows employees to make an informed decision, it allows them to pass a secret ballot where appropriate, and it allows the special circumstances within the construc-

tion industry to be addressed. That's why I'm hoping it receives support.

The Speaker: Further debate?

1540

Mr. Norm Miller (Parry Sound—Muskoka): It's my pleasure to join in the debate today on Bill 144, which is An Act to amend certain statutes relating to labour relations. I was motivated to speak to this bill after I received a letter from a construction company in my riding of Parry Sound—Muskoka.

I would characterize this bill as democratic renewal—we've heard the Liberal government talking about that. It's democratic renewal, Liberal style, because it's completely undemocratic, where they're removing the rights of certain workers and, in particular, the rights of construction workers, to have a secret ballot. How can that be seen to be improving conditions? Back in 1995, the PC government brought in the Labour Relations Amendment Act, Bill 69, which ensured there was a secret ballot for both certification or decertification of a union. This bill removes the secret ballot for construction workers.

I think a fair question to ask is, why is the government introducing this bill? Well, it could very well be Liberal payback to the unions and, in particular, the construction union, for supporting them in the last election with a donation of \$63,000. What other possible logic is there for removing workers' right to a secret ballot? Instead, they are going to replace it with an archaic card-based system, which is prone to all kinds of problems, where you can have intimidation, where you can have a union that's intimidating workers and where you can have cards signed but not dated until enough of them are collected, and then backdated. There are all kinds of problems. How can you argue against giving workers the right to a secret ballot?

I received an excellent letter from a constituent of mine, which I would like to read because it does illustrate a lot of the problems, particularly with the construction industry. It was just written to me on April 4, and it says:

"Dear Norm:

"Fowler Construction Company Limited is a member of the Coalition of Concerned Construction Employers..., an organization of companies that performs road building, bridge building and sewer and water main construction extensively throughout the province. These companies have no union affiliation.

"The coalition was formed as a result of the member companies' concern about one particular element in Bill 144, an Act to amend the Labour Relations Act..., where the government is seeking to impose special rules for certification to reflect what it says is the uniqueness of the construction industry. This proposed amendment would take away the rights of our employees to have a secret ballot vote conducted by the Ontario Labour Relations Board when a trade union makes an application for certification to represent them. The amendment discriminates against and marginalizes our employees. Employees in all other sectors of the economy retain the

right to a secret ballot vote. Only construction workers are marginalized in this way."

I ask the government to justify why only construction workers. I know we have the NDP saying it should be all workers for other reasons, but how can you justify just these construction workers going back to this archaic system?

The letter continues:

"The government has sought to justify this amendment by stating that employment patterns in the construction industry are transient. We wish to point out to you that this is not the case in our industry. Our company recalls its employees at the start of each construction season and they remain employed until the end of the season.

"If the amendment becomes law, you would have an anomalous and unfair situation, where for instance a 20-year employee of our company working on a construction project all summer would not have a secret ballot vote in an application for certification but an employee who had been employed in a grocery store 30 metres away for two days would have a secret ballot vote." How, I ask the government, is that fair?

The letter continues:

"In a card-based system, cards are valid for six months for the purpose of automatic certification, and even that process is open to manipulation because cards can be collected, undated and dated at the time an application is filed, thereby making them effective in perpetuity. It is very important that there is no evidence or information provided as to the circumstances under which membership documents were obtained. There are no witness statements attesting to the fact that the witness knew the signee and witnessed the signing (the cards can be completed in the absence of any witnesses). As well, there is no scrutiny by the labour board into the circumstances of signing."

So certainly we can see all sorts of problems with this archaic card-based system. That's my editorial comment. Continuing with the letter:

"There may be trickery, misrepresentation, coercion or worse because it is done in secret and there will be no secret ballot vote which will allow construction employees to express their true feeling in a democratic way. Often the pressures that employees are under to sign a card do not offer them the opportunity of time to examine facts on both sides of the issue so that they can make their own private and secret decision.

"Imagine if your political opponent in a provincial election was permitted to come to a polling station on election day and drop a thousand membership forms for his party on the table of the returning officer and say, 'I want these membership documents recorded as votes for me because they indicate that these people support my party.' You would undoubtedly recoil in wonder and anger and shout, 'This is not fair, it is totally against the democratic process,' and you would be completely correct. If the election were to be determined in this way you would feel that the process and result were totally unfair."

This is what the government is proposing with Bill 144, where they separate out the construction industry and go back to this archaic card-based system, which takes the rights of the employees in the construction area away from them.

The letter continues:

"Our employees who did not want the union and our company would, like you, feel that the process was unfair and did not represent the true wishes of the employees.

"Certification under such circumstances would more likely lead to subsequent difficulties between the parties."

That is not something we want to see in the province of Ontario. We want to see harmony. We heard all kinds of talk about balance. We need business to be in harmony, for employees and employers to get along and for business to be successful.

"A significant percentage of the workforce in the construction industry is made up of new Canadians and landed immigrants. Such a system would marginalize these people.

"This unfairness would be added to the existing unfairness currently experienced by construction employees. The labour relations board has for many years interpreted the act in a way that requires construction employees to be actively at work on the day an application for certification is filed by a trade union.

"If implemented, Bill 144 will add to the unfairness of a system that fails to recognize the employment of a long-term employee who may be absent on the day the union applies to certify a company. Obviously this system gives the unions an advantage as they determine when an application will be filed and therefore which employees will count.

"It is the position of the CCCE that in the interests of democracy, Bill 144 must be sent to committee for public hearings and must be amended to prevent the further marginalization of construction employees. To do otherwise with a bill so fundamental to the working lives of so many would be a travesty of democracy."

It's signed by Tom O'Callaghan, the vice-president of the company.

That certainly sums up many of the concerns of the construction industry, concerns not just for the company itself, but for the employees. I don't know how you can argue against a free secret ballot. I think what they're asking for, which is for public hearings, for committee hearings, is something that this government owes to business. It owes it to the employees of the construction industry and all employees to have fair rules that work for our economy, for the companies and for the employees.

Other adverse effects of this bill:

It would increase the power of the Ontario Labour Relations Board remedial certification. The bill will restore the almost arbitrary ability of the Ontario Labour Relations Board to automatically certify unions in cases where an employer aggressively tries to stop an organizing drive.

Ramifications for small companies, many of them not well read in unionization law, as a result of small mistakes: The board could force a union on company workers. That's an excellent point, because a small company is busy with the business of making money, of running their business in a very competitive world. So to distract them with having to become experts on unionization law makes them less efficient.

Elimination of decertification notices: The bill also eliminates the requirement that decertification notices be posted in workplaces that challenge union representation. This would make it easier to unionize a firm in Ontario and more difficult to remove a union once established, and workers would be unaware of their right.

The elimination of the disclosure of other union information: Provisions requiring unions to disclose the name, salary and benefits of senior officials earning more than \$100,000 a year would disappear. I ask how that benefits the process, when it used to be that it was required of union employees that if they made more than \$100,000, that information was public. I would say that if I belonged to a union, I would have an interest in knowing that information, and I can't see what public good is served by making a change so that they will now no longer have to disclose how much the union brass are being paid.

1550

Interim reinstatement of workers during an organizing campaign: This restores the board's power to temporarily reinstate workers who were fired or disciplined while exercising their rights during a union organizing campaign. This may result in unions filing unsubstantiated claims of dismissal in order to have members reinstated, regardless of the reasons for their being dismissed or the merits of the case. There is, alas, no remedy in place if the union were to make frivolous claims.

We've talked about the secret ballot. Ultimately, this will result in a reduction in investments in Ontario. The bill strains labour relations in Ontario. It will create uncertainty among business owners and will likely delay key hiring and investment decisions—not good things for the province of Ontario.

I would like to point out that there are a number of organizations that are opposed to this bill, organizations that the government should be listening to, like the Canadian Federation of Independent Business. I note the quote from Judith Andrew, Ontario vice-president of the Canadian Federation of Independent Business, from the Thursday, November 4, 2004, Sault Star. It says, "Judith Andrew, Ontario vice-president of the Canadian Federation of Independent Business, condemned the labour board's new powers, arguing that they deny workers the right to vote for a union.

"To pretend this attack on the rights of individual workers will promote labour fairness and stability is crass misrepresentation," said Andrew, who predicted the 'retrograde' step will hinder growth among the federation's 42,000 small business members."

I would say that it is in all our interests for the government to be listening to those 42,000 small business members of the Canadian Federation of Independent Business, because they are the engine of economic growth in this province. That's why I asked the government to take this to committee and to invite the Canadian Federation of Independent Business to come and speak to this bill.

Other organizations against it: The Ontario Federation of Labour is opposed to the bill; the Coalition for Democratic Labour Relations, which represents over 100,000 individual businesses and roughly two million jobs, is opposed to the bill.

The Greater Kitchener Waterloo Chamber of Commerce: I have their media release where they state, "Chamber Calls Pending Labour Legislation Bill 144 Dangerous." This was from January 20, 2005.

"The Greater Kitchener Waterloo Chamber of Commerce believes that if Bill 144 proposed amendments to the Labour Relations Act are passed, it will have a chilling effect on our provincial economy"—not something we need. "Business is already faced with unparalleled global competition, an ever-increasing tax burden and a rising Canadian dollar. 'Such regressive legislation would further impact investment and job creation and have a detrimental impact on future tax revenues,' warned chamber president and CEO Todd Letts."

I would say to this government—a government that, when our Leader of the Opposition asks the day before the end of the budget year what the deficit is, won't give him a straight answer, even though he probably asked the question at least six times or more two days before the end of the financial year, which was March 31: "What is the deficit?" Well, they said that it was supposed to be \$2.2 billion; we think it's at least \$6 billion. This, in a year when revenues for the province of Ontario increased \$7 billion. So obviously, doing things to hurt the economy will not benefit any of us.

The release goes on: "'The chamber continues to be very disappointed in the manner in which this government characterizes its legislative directives in the area of labour relations,' said Letts. Just as it is a misnomer to refer to Bill 63 as the 'elimination of the 60-hour work week,' the chamber believes that it is incorrect and unfortunate that this government uses such strong and inflammatory terms as: 'confusion,' 'mistrust,' 'instability,' 'unhealthy' and 'unfair' to describe our present labour relations regime.

"It does not serve our province well, either within Canada or internationally, to be seen to be labelling our workplace and business environment in this manner," said Letts. "We have urged the government and specifically the labour ministry to reconsider these dangerous legislative changes."

"The Greater K-W chamber joins with and supports the efforts of the Ontario Chamber of Commerce and the Coalition for Democratic Labour Relations in opposing Bill 144...."

This media release made mention of Bill 63, which is the bill that the government said changed the ability of workers to work 60 hours within a week. I'd like to point out—I'm the northern critic—that I've had calls from forestry companies that are very concerned about the changes the government has made. All they've done with Bill 63, to further hurt the economy, is to make it more difficult, specifically for small forestry companies, to get the logs out of the bush in the short time period they have available to them. The company I was talking to, a small company, said that their employees are quite keen to work as much as they're able to, and the company's interest is to get the logs out of the bush in the short season. The 60-hour workweek is not being done away with. They're just creating all kinds of red tape and extra work for the company and a permanent system that will just make life more difficult. I say that if the employees want to work and are keen to work, and the company needs them to work and they make a contract between the employer and the employee, the government should stay out of it and let those willing employees and employers make those arrangements. That's particularly true of the small forestry companies in northern Ontario.

As well, the Ontario Chamber of Commerce has made submissions on this bill and raised very good points. I only have a few minutes left, so I'll just go directly to their recommendations because I do believe they've got some excellent recommendations:

"Fairness and balance:

"Require unions to disclose remuneration (over \$100,000) because it is a fair and necessary provision." I don't know how you could argue with that.

"Amend the 30-day rule in order to protect the option of employees to decertify a union.

"Develop and facilitate a program through the OLRB to provide employees with information about certification and decertification in a workplace. This will give employers and labour unions equal opportunities to disseminate information in a fair manner." That's very logical and makes a lot of sense.

"Democracy and rights:

"Maintain, in all instances, the secret ballot system as the OCC and its members believe that it should be the only mechanism for determining whether a union is certified." I completely agree with that. "This will accurately reflect employee wishes and preserve each worker's right to vote.

"The OLRB should not be able to reinstate employees unless a framework is developed detailing strict conditions under which the OLRB may get involved.

"The OLRB should be limited to protecting workers' rights and prohibited from changing the terms of employment of any employee who has been dismissed....

"The government must employ a business outlook to ensure the amended legislation does not hinder investment in Ontario." I would argue that this will hinder investment in Ontario. It will create unemployment in this province.

I think this government needs to listen to the Ontario Chamber of Commerce. They say in conclusion, "There are strong indications that Bill 144 will not be effective in restoring fairness and balance to labour relations as the minister so desires. The OCC strongly urges the government not to enact the bill as drafted and urges the government to send the bill to committee following second reading."

I would completely concur with that, especially the removal of the secret ballot provision. I don't know how the government can say this is democratic, but, as I say, this is democratic renewal, Liberal style. I agree that extensive consultations are needed. I hope this government will do the right thing and listen to the Canadian Federation of Independent Business, to the chambers of commerce and to the many thousands of small businesses that don't make it their life to be experts on unionization rules but instead are very effective engines of economic growth and the main creators of jobs in this province.

1600

The Acting Speaker (Mr. Ted Arnott): Questions and comments?

Ms. Horwath: It's my pleasure to make some comments on the debate thus far on Bill 144. I have to say that it's quite interesting to hear the debate, particularly when the perspective of some is that the bill is somehow a balanced bill, and that's certainly what the Liberals would have us believe. The Liberal government would purport to indicate that this is a balanced bill. It's interesting to see the Conservatives talk about this bill and say that the sky is going to fall. It's quite interesting because, really, the biggest piece of this bill that we, as New Democrats, have a problem with is its lack of balance. It doesn't cover off all the workers in Ontario and it completely ignores the history of card certification in this province.

From the day the Ontario Labour Relations Act existed, there was card-based certification for every worker in Ontario. It wasn't until the Conservatives under Mike Harris and Ernie Eves were in power in this House that card certification was removed from the organizing process in workplaces. Unfortunately, this government would prefer to follow in the footsteps of Mike Harris and Ernie Eves when they introduce changes to the Labour Relations Act. How do we know that? We know that because Bill 144 quite frankly does not redress the problems that the Tories brought forward. It just reinforces the fact that this government is not interested in fair labour relations. It's not interested in making sure that all workers have the protection of labour law, that all workers are afforded the opportunity to organize in their workplaces based on a card certification process. That really is why New Democrats are not going to be supporting this bill and why we are going to ask that the government take it under advisement, and that they not only deal with that issue but also deal with the fact that scabs are still something sanctioned by this government.

Mr. Lou Rinaldi (Northumberland): It's a pleasure to rise to speak for a couple of minutes on Bill 144. I'm

going to take one portion of it, or one of the suggestions, that if this bill is passed we're going to erode industry, we're going to chase business out of town, we're going to stop investment from coming to the province.

Let me just relate some personal experiences. During my municipal life, I happened to be a board member of the Quinte Economic Development Commission, which services the beautiful area of Quinte, the city of Belleville, Quinte West and the municipality of Brighton. I served on that board for about 10 years, and the last four or five as chair. One of our responsibilities was to try to lure new industry, like most of us do in our communities, for employment.

I can tell you the questions those companies ask when they're trying to relocate to Ontario, mostly from another country. They want to know what level of education or quality of education we have in our community. I specifically remember once, and I want to share that with you in the House, the principal of a company had some teenagers. Obviously, if they were going to move their business to the community, the kids had to go to high school. They wanted to know what average the graduation class had for that particular high school because education was very important to them. They wanted to know what type of workforce we had, what level of education they had, and the availability, of course. Of the questions they asked, one of the most important things was the type of health care we had, and the benefits, especially when we're trying to lure those companies from across the border. An equivalent company from one side of the border to the other, say in the US, in Michigan, has in excess of 30% in health care premiums to match what we have here in Ontario. Those are the types of questions. That's what made us very, very competitive.

I urge everybody to support this bill.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I am pleased to add my comments on Bill 144 here today.

What the government has proposed here basically would seem to me to be a payoff to the construction union for their support: "We're going to ensure that your union has this power to certify with card certification only." Then I hear the NDP talking about how it should be extended to everybody, while the previous government felt it should be extended to no one. They believed in the sanctity of the secret ballot. The secret ballot is the cornerstone of our democracy, the fact that every person registers their vote without the knowledge of anyone else as to how they voted. I think the member for Parry Sound–Muskoka alluded to a provincial election being decided on memberships. Forget about memberships; let's just count the lawn signs. As far as some people would think, any indication of support at all, such as the signing of a card, indicates your commitment to that particular candidate or party. So let's count the lawn signs and dispense with the election. Can you imagine the money we'd save? That's what they're talking about here. The cornerstone of our democracy is the secret ballot. Nothing should be done to lessen the importance

of that. Joining a union simply by signing a card is not enough.

You want to talk about intimidation. The members of the third party feel that it works on the side of business. I remember a fellow by the name of Jimmy Hoffa, a Teamsters' boss in the States. There was no intimidation of workers at that time, was there? I wouldn't think so, eh?

Let's keep the secret ballot. That's how you decide whether you want to join a union or not, or any other vote in this country. It's a secret ballot; it's sacred.

The Acting Speaker: We have time for one last question or comment.

Mr. Gilles Bisson (Timmins–James Bay): Oh, I'm at the wrong spot. That's pretty good. I was thinking two terms ago.

I just want to say that clearly the issue here is that if you take a look at the record of how and when the various laws worked when it came to certification, the law that was passed by the NDP government back in the early 1990s actually worked fairly well because people take very seriously the issue of signing a card.

I've been a union organizer. I worked for the Steelworkers as an organizer on a number of different drives. I'll tell you, you don't intimidate somebody into signing a card. It's a difficult thing to do. It's a decision that's normally done by both the husband and the wife. I can tell you that as I went out and organized on the Kidd Creek drive, the Detour Lake drive or a few others up in the northwest, you would sit down with the husband and wife and have a chat about it. There would be a discussion and they would decide. You never had any chance as an organizer to intimidate somebody into signing a card. That's just not the way it works.

For the Tories to say people are being intimidated by unions to sign cards is a little bit rich. What happens in the case of the vote, I think there's far more intimidation the other way. We see at Wal-Mart, for example, the whole fiasco that's happening across Canada in regard to what's happened on the secret ballot votes. There's all kinds of pressure put on employees, both directly and indirectly, for people not to vote to accept the union.

I have always supported the idea, as both a parliamentarian and as a previous union organizer, that people are very responsible about their decisions. If a person, at the end of the day, doesn't want to sign a union card, they will not do so. I know that from experience. If you sit down with somebody and the person says, "I don't want to sign a union card. I don't want to be a member of the union," they just ain't going to do it. The reality is that people take that responsibility pretty seriously.

So I discount the argument from my good friends in the Conservative Party and say bring back good certification that allows people—

The Acting Speaker: Thank you. The member for Parry Sound–Muskoka has two minutes to respond.

Mr. Miller: It's my pleasure to respond to the members for Hamilton East, Northumberland, Renfrew—

Nipissing–Pembroke and Timmins–James Bay, who added their comments.

It's my belief that healthy labour relations are critical to fostering a strong economic climate. As we've heard from the government members, we do need balance and fairness in our labour laws, but Bill 144 threatens fundamental principles of democracy and fails to protect workers' rights.

Bill 144 will hurt Ontario's long-term competitiveness. It will destabilize labour relations. We need to see the government listening to business and labour, working together with them to come up with a bill that will work for the province of Ontario.

I say to the government members and to the third party that I don't know how they, as elected politicians, can argue against the fairness of a secret ballot, both for the workers who may be intimidated into signing a card when you go back to the card-based system and also for the company. A secret ballot is certainly a very fair way to go. It protects the rights of the worker. It helps protect our economy. It protects the company's rights as well. I don't know how you can argue against that and say that it's fair in this specific construction centre, as so clearly illustrated by the letter I received which I had the opportunity to read into the record in my time this afternoon.

1610

The Acting Speaker: Further debate?

Mr. Howard Hampton (Kenora–Rainy River): I'm pleased to be able to join in this debate. I want to say at the outset that I'm going to confine my remarks to talking about two issues: (1) card-based certification, and (2) the failure of the McGuinty government to ban scabs in the province of Ontario.

First, I want to deal with a bit of the history of card-based certification, because members of the McGuinty government would want you to believe that this is somehow something they just discovered in the last six months or so. In fact, card-based certification, in terms of workers joining a union, has a very long and honourable history in Ontario. Card-based certification, whereby a worker would indicate they want to join a union by signing a card, didn't just happen six months ago. It began in 1949, under a Conservative government, in fact under one of the most esteemed Conservative Premiers ever in the history of Ontario: Leslie Frost. I wonder what he'd do if he heard some of the Conservative members talking today. I'm sure he'd roll over in his grave. He was followed by someone named John Robarts, an equally esteemed Conservative Premier. I'm sure he'd roll over in his grave twice. He was followed by someone named William Davis, who supported card-based certification for workers. And he was followed by someone named Frank Miller. I'm sure he would do a couple of flips in his grave if he heard one of the speeches that was given here today.

Then there was David Peterson, a Liberal Premier. He supported card-based certification for all workers—not

just for some, for all. And Bob Rae supported card-based certification for all workers, not just some.

Then, yes, we had someone named Mike Harris who decided that workers should not have that right, so he took away the right to join a union by signing a card and indicating your willingness. Now we have Dalton McGuinty. Does he believe along with Leslie Frost, John Robarts, Bill Davis, Frank Miller, David Peterson, Bob Rae? Does he follow that wonderful tradition in Ontario? No. The two Premiers who seem to have some opposition to card-based certification of workers are Mike Harris and Dalton McGuinty.

What a tradition—Mike Harris and Dalton McGuinty. Mike Harris doesn't believe any worker should have card-based certification; Dalton McGuinty believes the majority of workers shouldn't have card-based certification. My, my, what an interesting combination we have here.

Some have said that card-based certification shouldn't happen, that you shouldn't be able to indicate your willingness to join a union by signing a card. In my wallet I happen to have several cards that have my signature on them. This is a MasterCard. It has my signature on it. No one comes around and says, "We want to conduct a secret vote to see if you agree with your name, your signature on the card." My signature on the card is accepted around the world by some of the largest corporations.

My Safeway card: Safeway is a very large food corporation in the United States and western Canada. I have my signature on that card. When I go to Safeway, they don't say to me, "We have to have a secret vote here to see if your signature on the card means anything."

Then, gee, there's my Ontario driver's licence. That's a card, and it has my signature on the back. I can tell you, when the OPP pull me over for exceeding the speed limit—oh, Speaker, I'm sorry.

The Acting Speaker: The member for Kenora–Rainy River is well aware that he's not supposed to be using props in his speech, and I would ask him to consider that.

Mr. Hampton: We're talking about card certification. These are cards.

The Acting Speaker: I think you're using them as props, and I would ask to you refrain from using them.

Mr. Hampton: When the OPP pull me over and they see my signature on this card, they don't—

The Acting Speaker: I would say again to the member for Kenora–Rainy River that I ask him not to use those props while he's making his points.

Mr. Hampton: The OPP don't say to me, "We demand a secret vote as to the validity of your signature on this licence card."

I have another card: It's a cheque. When I sign this cheque, nobody comes to me and says, "Oh, we demand a secret vote to see if your signature on this card has validity."

Do you know what I happen to have? This is a petition that's presented in the Legislature. Do you know how you present it? People sign the petition. They sign this

card. No one demands a vote to see if these people agree with this petition, this card.

I just want to say that this tradition in Ontario of workers signing a card to indicate their willingness to join a union is not an unusual tradition. We follow this tradition in our commercial life, in our institutional life, even in our cheque books. We accept this. We don't demand follow-up votes to see if my signature is somehow an indication of my willingness. If we accept this tradition that when I sign a card, if that card is called a cheque or if that card is called a licence card or if that card is called a credit card or if that card is called a petition—if we accept people's signatures as a valid indication of their wishes, then why shouldn't we do it with a union card? Why should trade unions and workers be singled out? Why should they somehow have to go through another process when they have taken the democratic action of signing their name on something? If it's good enough for MasterCard and it's good enough for Visa and it's good enough for Air Canada and it's good enough for Safeway and it's good enough for the Bank of Montreal and it's good enough for the Ontario Legislature on a petition, then it should be good enough for the workers of Ontario.

Now I want to move to the next issue: that, according to Dalton McGuinty, only some workers, a few workers, overwhelmingly male workers, will have their signatures accepted on a card; that if you're a female worker who doesn't work in the construction trade, no, your signature is no good on a card; that if you're a new Canadian, your signature is no good on a card; that if you're a visible minority worker who works in retail or who works in the garment industry, your signature is no good on a card. Your signature is no good on a card in that case. This is the Dalton McGuinty definition of freedom of association, of human rights, of fairness in Ontario. You had better be a male worker in one selected part of the workforce for your signature on a card to mean anything. I say it again: If you're a woman—because there are not many women working in the construction industry—your signature isn't worth anything on a card. If you're a new Canadian who is working in the retail sector or the garment sector, your signature isn't worth anything.

1620

What a deplorable situation. I don't know how any member of the McGuinty government can go home at night and look in the mirror; I really don't. This is the kind of disgusting discrimination that has wrought all kinds of trouble when we look at our past and we look at our history. You don't have to strip away the veil very far to see that this is systemic discrimination overwhelmingly against women, overwhelmingly against visible minorities and overwhelmingly against new Canadian workers.

The government says that because the construction sites move around, that's why you have one kind of certification for them; signing a card is acceptable. It's itinerant work.

I've talked to a lot of security guards. They might be working at Terminal 1 at the airport one day, Terminal 2 another day; they might be working at this site one day, the next day, that site. They're itinerant workers.

I've talked to a lot of garment workers. Sometimes they're working at home, sometimes they're working in a factory, sometimes they're at multiple sites, sometimes they're told to report here, sometimes they're told to report there. They're itinerant workers.

I think of my own riding's forest industry. There are a lot of loggers. One week they're harvesting trees over here; next week they're harvesting trees over there. They're itinerant workers. In the forest industry there are a lot of truck drivers. That's how, in most cases, you move logs to mills. I tell you, that's a really itinerant job. Many of them are up at 2 in the morning and on their way to the bush. They're 100, 150, 200 kilometres away in the bush when they pick up their load; five hours later, they're at a mill. Then they're told to go pick up another load and take it to another mill. Those are itinerant workers.

I don't think the distinction the government is trying to make is worth beans. It is completely artificial. It's an artificial attempt to disguise what is, at its root, systemic discrimination against women workers, against new Canadian workers, against visible minorities, against anyone who doesn't happen to belong to this little group over here. I can tell you, it's disgusting.

I want to look at some information about some realities in terms of what workers need, what workers are really behind, what workers are underpaid. This is the Pay Equity Commission's 2001-02 annual report. There are a couple of interesting things to quote from, but one of the things they point out in this report and all the other reports is that in many cases where you have women and men doing a job, in all too many cases, women are paid less. The government here, the McGuinty government, would have you believe that their select group of male workers need to have their rights protected. But these women who are paid less—and even the Pay Equity Commission established this year after year—don't matter. They can be dismissed. But the objective evidence says that it's actually women above all who need access to card certification. If we care about fairness and equity and equality at all, then it's those women workers who are the most disadvantaged, in the worst-off position. Obviously, the McGuinty government doesn't care about issues of pay equity. It doesn't care about that general unfairness between male workers and female workers. That's not of interest to them.

There have been a number of people who have done really interesting studies. I'm talking about Professor Jeffrey Reitz at the University of Toronto. He has written study after study, and what he looks at is the situation of new Canadian workers. His most recent study, from February 2005, is *Tapping Immigrants' Skills*. It's a very interesting study, but what I find most interesting is, he points out that if you go to the workplaces around Ontario, once again, who are the people who are the most

underpaid and who probably need access to card certification the most if we're concerned about fairness and equality? What he points out—and he points this out in study after study—is that it's new Canadian workers, new immigrants.

Just to give you an idea of the magnitude of the difference here, he says, "I calculated, based on Canadian census labour-force data, that foreign-educated immigrants earned \$2.4 billion less than native-born Canadians with formally comparable skills"—\$2.4 billion. That's on an annual basis. That's the gap there for those new Canadian workers.

He goes on, and I find this interesting. He says, "Earnings of newly arrived immigrant men, which in 1980 had amounted to about 80% of those of native-born Canadian men, had dropped to 60% by 1996," and had dropped further by 2005. So he's saying that for new Canadian workers, new immigrants to Ontario, the situation isn't getting better; it's getting worse. And what's the McGuinty government response? The McGuinty government response is to say, "You don't matter." This rising inequality is not of interest to the McGuinty government.

He talks about men and then he says, "The relative trends for newly arrived immigrant women were similarly negative." In other words, immigrant women who are just now coming to Canada and joining the economy—and Ontario is where most of these workers come—are actually falling further behind too.

What is the McGuinty government response? The McGuinty government response is not one of promoting fairness and equality; it's not one of saying, "There's an obvious imbalance here and it has to be addressed." No, the McGuinty government response is to say, "We only care about this select group of male workers over here. That's it." Those people who, from the perspective of fairness, equity and equality, most need access to card-based certification, the McGuinty government isn't hearing them, isn't listening to them and isn't interested in them.

I just want to say, in the few minutes I have remaining, what I believe needs to happen. I think the McGuinty government should take this bill and amend it. You should amend it so that all workers, regardless of their gender, regardless of their ethnic origin, regardless of colour, regardless of what sector of the economy they work in, have access to card-based certification. If my signature on a cheque is good enough for the Bank of Montreal, if my signature on a licence card is good enough for the government of Ontario, if my signature on a petition card is good enough for this Legislature, if my signature on a credit card is good enough, then a worker's signature on a union card indicating that they want to join the union should be good enough as well. And it should apply to all workers, not just a select few.

Finally—

Mr. Wilkinson: You don't like carpenters?

Mr. Hampton: One of the members back here says, "You don't like carpenters?" Yeah, I like carpenters, but

I also acknowledge that women who work in a garment factory, or a visible minority person who works in a hotel—I like them just as much, and they should be treated just as fairly and just as equitably.

I want to talk for a minute about the failure of this government to ban scabs. I'm not talking about airy-fairy legislation here. Quebec has banned scabs since 1976 and, as far as I can tell, labour relations work pretty well in Quebec. People bargain collectively and they arrive at contracts. Manitoba has effectively taken away the scab element. Workers and managers there bargain together and they arrive at collective agreements. Between 1991 and 1995, when we banned scabs here in Ontario, we had fewer incidents on picket lines and we had more collective agreements being bargained at the collective bargaining table—not otherwise but at the bargaining table, where they should be bargained.

I say to the McGuinty government, I think Mike Harris had a deplorable position in taking this away from workers. Don't do the same thing. Don't be in a position where you're denying card-based certification to most of the workers in Ontario, indeed the workers in Ontario who need access to this the most.

1630

The Acting Speaker: Questions and comments?

Mr. Delaney: The member for Kenora–Rainy River has found the Holy Grail. He calls it card-based certification. The member for Kenora–Rainy River was kind enough to empty the cards from his wallet. I ask members who find any loose change on the carpet to please return it to the member for Kenora–Rainy River. The member showed us three identification cards and a cheque. If the card issuers treated the member the way that he feels union certification applicants should be treated, then we must infer that each card issuer sent him their plastic without the member ever having filled in a confidential form and submitted it for validation before the card was issued.

I will make a point of asking the Minister of Transportation and highways to verify that a card used for a driver's licence is not issued in this fashion without reasonable due diligence. The member for Kenora–Rainy River needs to fill in the form and validate his wishes and his qualified status before being issued his MasterCard or his cheque book. So let it be with the formation of a collective bargaining unit. Where there are workers whose workplace is not construction-related, let them make their desires known and let them have both a fair and a secret ballot, as Bill 144 ensures. Let the workers applying for a new collective bargaining unit have the opportunity to discuss the issues and to cast a vote under the criteria laid out by the Ontario Labour Relations Board. If need be, let them have the time between signing their card and casting their vote to think about it.

Bill 144 gives the OLRB the ability to certify a union if management acts to prejudice the fairness of a vote. Bill 144 gives the OLRB the ability to require a vote even in the construction field if it seems like the organizers are acting improperly. I agree with the member

from Timmins-James Bay that people take the decision to sign a card seriously, and they will take the certification vote seriously too.

Mr. Robert W. Runciman (Leeds-Grenville): I just want to put on the record that I disagree with virtually everything presented by the leader of the third party. That's not a surprise. But I do think the issue he has raised is valid in the sense of the government discriminating with respect to this legislation in only applying this to one sector. I think it does raise valid questions about the approach and the justification for this approach. Someone indicated a payoff, an election payoff, and I think that is a legitimate issue to be raised in this House given the Liberal government's approach.

I want to say, with respect to card-based certification, the leader of the third party I think does himself a disservice and damages his own credibility in using a credit card and a driver's licence and so on as an indication of something akin to card-based certification. There are no similarities. That's an unfair comparability, if you will, and I think it's an insult to the intelligence of Ontarians who may be viewing these proceedings. To be honest, I'm someone who has served as a union president. I served as a union steward. I've been in some very tough situations, to say the least, and I know how high emotions can run, whether it's an organizational effort, a contract dispute, a strike or a walkout. Pressures, the strength of feelings, are very evident in those kinds of situations. To me, to suggest that someone who could be under enormous—and I will stress the word “enormous”—pressure from co-workers to sign a card or go into a situation to join a union, there's no fairness in terms of comparing that with a driver's licence.

Mr. Bisson: On the heels of the comments made by our leader, Mr. Hampton, I just want to say that I think you framed this right. The issue is this: What the government is attempting to do is reinstate card-based certification for a certain group of workers and not for all workers. That's really what we're upset about.

We agree with the Leslie Frost legislation, as Howard pointed out, and other Premiers, that if a worker decides to sign a union card, the law since 1948 has said that if a majority of workers in that plant decided to sign a card, and the cards were verified as being signed by those individuals through the process that was established under the Ontario Labour Relations Act, a union would be formed. The Conservatives got elected and did away with that. What they said instead was that the only way you can form a union is that if a majority of people sign a card, then you have a certification vote.

What this government is doing I agree with to an extent. They're saying, “We're going to give construction workers the ability to have card-based certification,” as we've had since 1948 in this province, up to the time that Michael Harris took it away. But they're not prepared to go to the next step: all workers in the province of Ontario.

How can you argue that in one industry like construction, only they are somewhat special or in a special

circumstance to warrant having card-based certification? If you look at the industries that I represent in my riding, forestry, there are a lot of transient workers through that particular industry who work in the bush. If the argument is that most of the people in the construction trades move from contractor to contractor and therefore you have to have card-based certification for them, the same could be said for all kinds of industries across Ontario.

I'm just saying what's good for the goose is good for the gander. If we agree on card-based certification, it should be applied to all workers in Ontario, not just to construction workers, which is the point that the member makes. I agree with him on that point. I say to the government that it is wrong to give it to just one group of workers and not establish that practice for all.

The Acting Speaker: We have time for one last question or comment.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I'm pleased to participate in this debate. I hadn't planned to, but as I listened to the leader of the third party, I was incredulous about the comparison he used. He was trying to portray the fact that MasterCard accepts his signature, the bank accepts his signature, all these people accept a signature, when that is absolutely not the case. You can offer a licence to police officers when they stop you, and if you think they're going to make a determination on your signature, you are mistaken. They will run this through their computer to find out if you have a record, if you are wanted, if you are a criminal or whatever. If you write a cheque, do you think someone is going to just accept it? They will call; they will check at the bank to make sure you've got funds. If you put your credit card in, they will check to see whether or not you're over your limit or whether you stole the card. We're talking about a totally different situation.

A better analogy would have been elections, where, when you go to vote, you have to show that you in fact are entitled to vote, and then you've got identification to do that. What you're doing is making a determination that's affecting a lot of other people, whereas when you're talking about cheques and credit cards and licences, it only impacts on you.

What is happening is that in the labour movement, a collective agreement by its definition is collective. It means that you are in fact committing all of your cohorts to a particular action, either for or against. That is why it is incredibly naive to think that you can compare one to the other.

Hon. James J. Bradley (Minister of Tourism and Recreation): What happened to that social contract?

Hon. Mr. Kwinter: As my colleague has said, it's very interesting that you saw nothing wrong with trashing a social contract, but now you're talking about—

Hon. Mr. Bradley: Rip them all up, every contract.

Hon. Mr. Kwinter: Yes. Anyway, my time's up.

The Acting Speaker: Further debate?

1640

Mr. David Zimmer (Willowdale): We've heard a lot about card-based certification. We've talked about that issue at length. I think it's important at this time to take a look at what else is actually in Bill 144 and what is not in Bill 144. Let me go through a couple of the ins to remind members of the House of what's in the legislation.

What's in the legislation is the proposed removal of the requirement to post decertification posters. That's a significant piece. Another thing that's in the legislation, and we ought not to forget this, is the proposed removal of the requirement for union salary disclosure. Also in the bill is a proposed restoration of the remedial power of the Ontario Labour Relations Board to order remedial certification and interim reinstatement. It's also proposed to restore the remedial power of the Ontario Labour Relations Board to order remedial dismissal against the union. We've been focusing on this card-based certification issue, but we should also remember what else is in the legislation.

What's not in the legislation? The legislation does not propose to extend the option of card-based certification to all sectors, it does not propose to amend the statutory bars applied to unions reapplying for certification and, finally, it does not prohibit replacement workers.

A lot of questions or suggestions have been raised to the effect that there are concerns that if an employer in the construction industry knows a workplace can be unionized without a vote, that's somehow going to be a disincentive for the construction company to invest here in Ontario. I can tell you that businesses make their decisions to invest in a province or a country based on a large number of factors. There are a lot of other reasons why they invest—taxation regimes, interest rates, valuation of the currency. There are no data to suggest that the specifics of our labour relations legislation are a primary consideration by corporations and, in particular, construction corporations when investing in Ontario.

The construction sector is unique and has long been treated as distinct within our labour legislation and indeed within other labour legislation. The emphasis on project work and the mobile nature of the workforce in the construction sector creates special challenges regarding certification. The option "card-based certification" proposed in Bill 144 would respond to the distinct features of this industry, while promoting individual choice, fairness and balance.

Until 1995, card-based certification was the main mechanism for certification of construction unions, as it was for all sectors covered by the Labour Relations Act, 1995. There is no indication that the legislative regime prior to 1995 had any impact on investment by construction companies in Ontario.

Further, Bill 144 proposes to make permanent the current and temporary collective bargaining systems for residential construction in the GTA and surrounding areas. This proposal will create stability in this volatile sector. I can tell you that this is fully supported by the construction employers' association. In particular, the

Greater Toronto Home Builders' Association has publicly written on this topic and has supported the government's proposal.

The unique legislation characteristics of the construction industry have been recognized since the 1960s. For the last 40 years, specific sections of the Labour Relations Act have been dedicated to the construction sector. Providing construction unions with the option of seeking certification under a card-based regime is appropriate. It's very appropriate in light of the mobile nature of construction industry workers and the time-sensitive nature of construction projects. All parties in the construction trades accept this, as does the construction industry.

Construction unions will retain the option of seeking certification under a mandatory-vote regime if they so wish. This is sound legislation; this is constructive legislation. This legislation is going to make for a better labour relations environment. I'm happy to share my time now with my colleague.

The Acting Speaker: Which colleague would that be?

Mr. Zimmer: The member for Markham.

Mr. Tony C. Wong (Markham): It really is a delight for me to participate in this debate. In speaking to Bill 144, as the parliamentary assistant to the Minister of Economic Development and Trade, I am going to speak to its fairness and balance to the labour relations system in improving the workplace relationship and maintaining stability for a productive economy. Stability is the key word.

The member for Parry Sound-Muskoka spoke about the card-based certification system, and he talked about intimidation. The leader of the third party then spoke to the same subject matter and said this was totally unacceptable and discriminatory. I'm sure that we must have struck the right balance.

In order to create a very healthy and viable economic environment so that we can have jobs for new immigrants—I do appreciate the leader of the third party speaking about how unsatisfactorily new immigrant workers have been able to fare in our country, but I want to say this: He's actually gone one step beyond what I want to see, and that is that they must have jobs first. In order to have jobs, we must be able to create a viable and strong economy.

I refer to what we have done as a government. We have certainly put in place legislation, or at least proposed legislation, to help folks who are trained overseas, so that they can go through additional training to become qualified professionals in our province. We've also increased the number of places for apprenticeships as well as for co-op placements. But I also want to point out that in doing what we've done, we have been extremely competitive.

Of course, we've all heard about the investments in a big way by Ford last year in the magnitude of \$1 billion, and of course of GM in the range of \$2.5 billion. Why are we able to do that? Because we have a very highly educated workforce, we have a technological edge and we also have an extremely competitive tax rate system.

I want to talk about the tax rate for a minute. Our tax rate, the joint federal-provincial income tax rate, is 36.12%. That compares extremely well with our competitors. If you look at Michigan, they have 39.3%, three percentage points higher than what we have; New York, 39.9%; Ohio, 40.5%; Minnesota, 41.4%. I could go on and on. We have the lowest tax rate.

If we want to look at how we intend to help small businesses, I'd love to talk about that, because I've just finished a round of consultation with respect to how businesses—especially SMEs, small and medium-sized enterprises—can do business with our government. I refer to the procurement process. Under the leadership of my colleague the member for Pickering-Ajax-Uxbridge, we will be embarking on an extremely exciting initiative—exciting to us as well as exciting to the businesses—on how to improve that aspect so that the SMEs can do a lot more business with us in terms of procurement.

For myself, I led an initiative about a year ago, going around the province to speak to more than 23 organizations and more than 100 individuals as to how we can help small and medium-sized businesses in taking them to the next level in terms of growth. Let me tell you that in all of those consultation sessions they've talked about access to networking, access to financing, skilled labour and certification and qualification of overseas trained personnel. They've also talked about regulatory control. They've talked about our tax rates. But none of those groups have highlighted that card-based certification is going to impact them in a negative manner or that these proposed amendments are going to hurt them in any way.

So this is not something that will impact either labour or business in a negative manner. I maintain that we have struck the right balance in creating a strong economic environment for the growth of this province.

1650

The Acting Speaker: Questions and comments?

Mr. Garfield Dunlop (Simcoe North): I'm happy to make a few comments on the two previous speakers. I want to let you know, Mr. Speaker, that I'm waiting—Mr. John O'Toole, the MPP for Durham, will be speaking next on behalf of our caucus. It's always interesting to listen to the member from Durham, because he's an expert in this particular area. We look forward to his comments.

I appreciate the government members' comments on this particular legislation. It looks like we have three different opinions on this bill. It'll be interesting to see, as we work through the legislation and any future committee hearings, how the public will react. Certainly there is strong concern among the construction industry. We're hearing very strongly from the home builders' associations and chambers of commerce as to their concerns about the bill and how in fact it could actually drive away potential jobs in a lot of our communities. We see that as a problem.

As you know, in the last government, although we hear some negative things today, we created over a mil-

lion jobs in Ontario. Those million jobs are the stimulus this government has carried forward with for the strong economy they inherited. This government didn't inherit an economy like the previous government did, when we inherited a deficit of close to \$11 billion from the New Democratic Party. They inherited a very strong economy and a very minimal deficit.

Interjections.

Mr. Dunlop: Those are the facts. The bottom line is, you've inherited a strong economy and you should be able to build upon that, not create further deficits, not raise taxes, not create opportunities that will discourage investment here in Ontario.

I appreciate this opportunity to speak.

Ms. Horwath: It's certainly my pleasure to make a few comments on the debate this evening of the member from Markham and the member from Willowdale. I have to say that the member from Markham really didn't speak much about Bill 144. Instead, he talked about a lot of other things that he has been doing on behalf of the government, on behalf of the McGuinty Liberals. It's quite interesting, because one of the things he mentioned was that, in all of his deliberations and in all of the different things he's been doing, not once did anybody even peep about Bill 144. But, had he informed people that they would be discriminated against by this government, by the McGuinty Liberals, in regard to Bill 144, that as workers, unless they're construction workers, they won't be able to take advantage of the card certification process that's being brought forward in Bill 144, they might actually have an opinion as to whether or not Bill 144 would be affecting them. Quite frankly, if you tell people what you are doing, sometimes they actually do have something to say about it.

When it comes to discrimination, I don't ever recall, in my experience anyway, telling people they're deliberately being discriminated against and then they turn around and say, "That's a wonderful thing. We support any government that would discriminate against a group of workers." Nonetheless, it was interesting to hear from the member from Willowdale, who at the beginning said, "There's so much more in this bill," and then went on to speak almost exclusively to try to justify the discrimination in Bill 144 in regard to card certification.

I think it's quite interesting that they go on and on about balance and the economy and all these kinds of things. Geez, you'd have thought that for the last 50 years in Ontario prior to the Harris-Eves regime, there was no balance in Ontario and there were huge problems with the card certification process. In fact, we know that's not true. We know that there was investment and that this province grew by leaps and bounds during that time frame.

I look forward to saying more about this bill in a very few short minutes.

Mr. Levac: I really can't let the member from Simcoe North get away with saying it was a tiny little deficit that they gave us and the economy was in great shape. I don't think we have to say any more, other than to recognize

the fact that we are wrestling with it. We're going to deal with it, but the fact is that it wasn't a tiny little deficit. It was about a \$5.6-billion deficit that we had, but we're dealing with it.

Having said that, let's move on to what the real discussion is about. I've been meeting with my union leaders and we've been discussing the bill. We've been discussing the concerns and I'm sharing those with the minister. The minister is aware that there are some concerns out there about card certification. He has been getting some feedback from the union leadership that is basically saying, "Do you know what? The Queen Mary can't turn around on a dime." Where we were before was absolutely not acceptable and we have acknowledged that. That's not an acceptable way our labour movement should be treated and we're starting to move that around. So when the Queen Mary turns around, we're going to find those nuances.

Some people talk as if this is the only bill that will ever be passed on labour relations and labour. That's not going to be the case. There is going to be more legislation coming. There will be more discussions. There will be more opportunities to take a step back and take a look at where we want to be with card certification. Let's remember that.

I want to reinforce what is happening in my riding. The Tories want us to believe that, because of this legislation, all investment is leaving the province. I'm very proud of the investment that's going to happen in my riding: 1,300 jobs are coming to my riding. That's great investment for all of NAFTA.

We're talking about all of this controversy about stuff. I've just been handed a letter here. I forgot to make sure that the members opposite are invited to the fundraiser by Paul Bailey of Bazil Developments and Joyce Frustaglio, the regional councillor of the city of Vaughan. But you have to have a thousand bucks to meet with John Tory. Best of luck with your fundraiser.

Sincerely, this bill is in the right direction. We're moving in the right direction for the workers of Ontario.

Mr. O'Toole: It's always a pleasure to respond to the Liberal position on Bill 144 and I hope to do that in a few minutes. I'm still preparing my speech, actually.

Interjection.

Mr. O'Toole: Quite seriously, the member from St. Catharines brings up a timeless issue. On this side of the House, when they were consulting on the greenbelt legislation, Mr. Hudak from Erie-Lincoln made it very clear that we were really looking for the \$10,000 list at the estate of the Sorbara family where all the stakeholders had more to lose than gain. Those who came away from that \$10,000 meeting gained, in some cases, millions of dollars because of that fruitful meeting.

For those viewing, you've got to remember that they are the government, and when they meet with the opposition, they're certainly doing it out of frustration. I do believe that it's important to meet with all leaders. That would include Howard Hampton; it would also include John Tory. I know they are still listening. It's

clear to me today, even if you want to look at this whole autism debate, that you can meet with Dalton, you can talk to Dalton, but Dalton is not listening. That's the message today. They are even defying the decisions of the courts: the Superior Court of Ontario.

It's clear that the Premier was personally embarrassed, because he wrote a letter to a parent, on the one hand, saying that he promised their autistic child the service, and he was virtually cringing in his chair. He flipped it over to the Attorney General, Michael Bryant. He should be careful of that, because Michael Bryant has aspirations for his job. When he was over here, he sat about here. He is quite a showman. I wouldn't give him much more face time than he's already getting. I would give it to Marie Bountrogianni. I think she really cares about it, but Dalton and Greg Sorbara won't give them the money to do the job.

It's like this very bill that we're talking about. It's a strong economy—

The Acting Speaker: The member for Durham—

Mr. O'Toole: There are still 12 seconds left.

The Acting Speaker: I would just ask you to refer to members by their riding name or by their ministry. It's important that we do that. I'll give you a few extra seconds because of interruptions.

Mr. O'Toole: I was certainly getting excited. I would say that because it's frustrating when you're a member of the opposition and you hear every day—especially the member from St. Catharines. He is always very sparky. In fact, he often tells the Speaker what to do.

1700

The Acting Speaker: The member for Willowdale has two minutes to reply.

Mr. Zimmer: I'm happy to respond, because in the last analysis, I suppose we have to ask ourselves the question. There's some suggestion that these labour reforms favour labour over business. That's just not the case. These proposed reforms are designed to restore balance and fairness to labour relations. They're going to restore confidence in the labour relations systems.

The proposed amendments in Bill 144 are well within the mainstream of Canadian labour relations. If you look across the other provinces and indeed at the federal scene, we are within the mainstream. Most Canadian jurisdictions contain similar provisions. For example, most provinces provide their labour relations boards with the power of remedial certification.

For the last decade here in Ontario—and I think this is the crux of the debate—all labour legislation reforms have been dominated by political ideology. They favoured either labour or business. These amendments seek balance and return Ontario's state of labour legislation to what existed before both the Tory so-called common sense reforms and the NDP reforms. Those two eras of reform, the so-called NDP reforms and the so-called Tory common sense reforms, led to great labour discord. The provisions in Bill 144 are going to restore it.

As evidence of that—and I come back to the construction sector now and card-based certification. It has

the support of both the Greater Toronto Home Builders' Association and, of course, the construction trades. This is an example of how we can move forward to healthy labour relations.

The Acting Speaker: Further debate?

Mr. O'Toole: I want to start by explaining the perspective I come from. In all things, there needs to be balance. I think that's a fair and reasonable thing to say today. It's a fair and reasonable thing to say at any time. We will make disparaging accusations of the NDP when they were the government with respect to the expenditure constraint programs they introduced or tried to implement, one of which was called the social contract. We know that all governments realize the balanced relationship between a strong and educated workforce and democracy in the workplace, reinforced by adequate and enforceable employment standards provisions.

I think democracy is a very important process, and I'm going to make a couple of references here before I get into the substance of Bill 144, which, by the way, is a fairly lengthy bill. It was introduced in November 2003 and it has taken some time to get this far. It attempts to amend a number of statutes that I'll discuss in a few minutes.

When you talk about democracy, it would be wrong for me not to mention that the press gallery has just had a democratic process occur. They elected Alan Findlay as the president of the press gallery. The vice-president of print is Richard Brennan, the badger. The vice-president of broadcasting is Randy Rath. The treasurer is Murray Campbell. I read most of his articles and usually file them. The secretary is John McGrath from the CBC.

I recognize that in every kind of organization, there is democracy. In fact, some would say democracy here is exemplified by our current referee, Mr. Arnott. I can't help but think of the Speaker, of democracy in the workplace, and the issue that he has been the single-handed champion of, which is Bill 52, the double-hatter issue, despite the fact that Monte Kwinter, as the minister responsible for community safety, refuses to listen. That was the point I was making in my two minutes.

The minister is here and he's listening. I know it's a difficult issue. You tried to float out the \$30 million to satisfy the unions or to satisfy the brethren. The \$30 million, by the way, was \$10 million less than we had committed, so you've got to understand that.

Interjections.

Mr. O'Toole: You'll get your two minutes, and I'll be waiting here to hear it.

The fact is, Mr. Arnott from Waterloo-Wellington is the Speaker now in the chair and is doing an admirable job, except that he did introduce a bit of an interjection in my two minutes, but he was quite in order to do that. That is democracy. There are two different voices. His role is to enforce the rules. In fact, it's the government's role. In a certain—

The Acting Speaker: Order. The member for Mississauga West.

Mr. Delaney: I share the member's esteem for the member from Waterloo-Wellington and his bill, but we're debating Bill 144.

The Acting Speaker: Thank you very much for that interjection. I would return to the member for Durham.

Mr. O'Toole: I wonder if the member from Mississauga West chose the proper word. I pose that as a real question, actually. I think he should hold you in honour and respect. That certainly would be my position going into this discussion.

On Bill 52, I think the member from Waterloo-Wellington was trying to represent the variety of types of communities in Ontario that really need safety—safety should be first and foremost—and the democracy of the issue is part of the double-hatter or volunteer firefighters working in communities where they live. Their full-time job as a firefighter might be in York or some other region that has the luxury—and this is an important part of the full debate—of having a tax base sufficient to sustain it, like Mississauga.

Hazel McCallion has done a wonderful job because she's got the greatest amount of revenue per capita of any mayor in the province. She's got a new infrastructure. She's got the airport that pays all the taxes and doesn't provide any of the services. So it's fine for Mississauga. In fact, it's reasonable and legitimate to demand that rich municipalities across the province and regions—and municipalities, as I say, because it's really a lower-tier responsibility, in the case of fire protection, to provide the standard of service delivery that's mandated by the government. In democracy, a local council being elected to make that decision about whether or not they use volunteers to supplement is an argument that goes a long way toward Bill 144, which is workplace democracy.

I honestly feel that there is reasonableness on all sides, not just on that of the member from Waterloo-Wellington. I support him 100%. I'm surprised that the Minister of Community Safety isn't—he may stand this afternoon and shed some light on discussions that are ongoing with the fire marshal to look at the standards of response times: the 10 and 10 or the 20 and 20, whatever those rules are.

Mr. Levac: Like you did.

Mr. O'Toole: We certainly did move a long way, Mr. Levac, but that was just to get your interjection on the record.

I'm going to go back to the clippings today. This again is by Greg Keenan, the auto study reporter in the Globe and Mail. Today it talks about "Toyota Pinpoints Canada for New Plant," a very important investment in Ontario. I'm sure Joe Cordiano, Minister of Economic Development and Trade, is quite interested. I'd like to know his position on it.

In fact, I would present that as another outstanding question, because in this article they point out that the key investment of \$600 million and the number of jobs is critical to the area of Cambridge. Indeed, it would accrue as a great benefit to the province of Ontario and indeed to the people of Ontario because, once again, having a

strong economy is the fundamental argument that I'll be attempting to make today, that Bill 144 actually works in reverse to the objectives. That was established by our critic, Elizabeth Witmer, in her opening response to Minister Bentley's statement at the beginning, which I have a copy of. With your indulgence, I will read most of her speech because it was so good; it was excellent. In fact, she covered almost every point with clarity, respect, enthusiasm and knowledge.

On that basis, and I'm quoting here from this article, "Hemi Mitic, an assistant to CAW president Buzz Hargrove, said yesterday that the union has not yet requested a vote because it's not sure what the true numbers in the plant are after the company made about 140 contract workers full-time employees last week.

"A previous attempt to organize workers in Cambridge failed"—democracy? We lost the last time. Many people in Ontario are now disappointed because they had 231 promises and they didn't keep any of them, and they were—I can't use the word "misled" in the House, but some people think that maybe they didn't tell the truth.

So they failed to sign up the required 40% of workers. This article goes on to say, "The only unionized Toyota assembly plant in North America is a joint venture facility with General Motors Corp. in California." I wonder why. I think the employees themselves have the right to make decisions about whether or not they're being adequately represented. In a true case of workplace democracy, it should be the strength of the Employment Standards Act. If you really want to make meaningful change in right-to-work kinds of legislation, you want to look at the Employment Standards Act with respect to hours of work, overtime requirements, notice of layoff, all these kinds of provision that are in the Employment Standards Act today.

1710

I worked for General Motors for over 31 years. Part of that time I spent in the personnel area, so I was associated with labour relations—very modestly, I might add. I had the privilege of reading some of the grievances and solutions. Many companies, whether it's in Cambridge or others that are non-unionized workplaces, have a dispute resolution process in-house. They have team leaders, different names in different organizations, but it's a shared responsibility for their common economic prosperity. That's fundamental.

I don't believe in sweatshops. I don't believe in persons not having a voice. I know that within my riding there are large complex workplaces, including General Motors and hydro, where employees get disenfranchised by both the employer and the employees. Quite often the case revolves around a dispute—with the WSIB, it's often the case—but often it can be such things as human rights complaints, where the union wants no part of it, the company wants no part of it and they have to go to the ombudsman or some other dispute resolution mechanism.

So I'm not opposed to having workplace democracy in forms other than a union. There is no one-size-fits-all for workplaces. I think the current Liberal government is

ultimately paying back some of the provincial unions—I'm not holding it against them; they will have to make a decision in 2007—because they carried signs for them. They put signs up for them, and they promised them things. In the election, they promised the people of Ontario many things. We'll see in 2007 what they actually delivered. The real proof, for those listening, will be the strength of our health care system and the strength of our public services in this province. Ultimately underlying that will be the strength of the economy.

This is intertwined with Bill 144, when you look at its objectives. Its objective is to create democratization in the workplace, but when you look at some of the processes where the ministers can deem certain things, or the Ontario Labour Relations Board can grant certification under certain conditions that are new in this legislation, that in fact is overruling democracy.

Minister Bentley, I know, is more or less a junior minister. He's a good guy. He practised law. He should probably go back to it. But when I look at the Premier running the show over there in his office, and at the minions in his office basically running it, Mr. Bentley, with all due respect to the minister, reads the speeches very well.

I don't know whether he practised labour law, but I know that in the case where unions would no longer need to disclose the annual salaries or benefits of directors, officers or employees earning \$100,000 or more per year, and employers would no longer be required to post decertification information in unionized workplaces, these are anti-democratic actions. We've heard from previous speakers on the card-certification issue, which I'll talk about briefly, because it's been well covered by the NDP. I respect them for it.

Another point is that the Ontario Labour Relations Board will now be able arbitrarily—as a last resort, of course—to grant union certification when an employer is deemed to be in violation of labour law. It would also have the power to dismiss a certification vote. This is a centralization of power. This is a typical bureaucratic response to democracy: "We're going to just force it on you."

I look at the laudable objectives in the bill, and I would prefer that you strengthen the Employment Standards Act. I look at some of the risks I'm bringing to your attention. Re-establishing the card-based certification system for the construction sector: This would be in addition to the vote system. So there's more bureaucracy and more duplication. However, the card-based system would permit automatic certification if more than 55% of the employees—automatic certification. No vote. Who signed for the cards? Whose card belongs to whom? I think the process should be a secret ballot process. That's the democracy we live in.

I think the workers, at the end of the day, know their workplace, and I put it to you that the Minister of Labour is usurping that power.

We see that playing out every day at Wal-Mart. I see Wal-Mart making record profits. I'm not sure of their

employment relationship issues, but the employees seem to be almost hyper. They are really enthusiastic. I know the hourly rate may be less than possibly it should be—I don't know—but I think they also have a profit-sharing plan. I think that's an extremely important advance in industrial workplaces or in workplaces that are organized.

A really recent example would be the new Bruce nuclear plant, which is operated by a consortium. The interesting thing in that consortium is that one of the principal shareholders is the union. How novel is that? Isn't it what I've been saying, that we all benefit from true democracy? Don't try to ram it down people's throats. This is what I read in this bill. It puts real democracy at great risk. We've just heard that the minister can force certification under certain undemocratic processes and institutional organizations—the Ontario Labour Relations Board.

I think that make-permanent special bargaining and dispute regime for residential construction in the Ontario area has been in place since 2001. We recognize there are complex workplaces that need to have a process. Our position is that we do not endorse this bill. It is turning back over 15 years of labour relations, particularly on the Ontario Labour Relations Board powers and the automatic certification vote for the construction industry.

The construction industry is in a time of boom, where we have low interest and a monstrous building of homes, condominiums, commercial construction—we started a lot of it; I don't know whether to take the credit or to blame us—all the hospitals in Ontario, 20,000 new long-term-care beds, a commitment of—how much was it?—\$10 billion or some enormous amount for capital construction in long-term care for seniors, as well as schools. In my riding of Durham, I think we had 16 new schools built during the time we were in government. I could hardly schedule the new school openings, there were so many of them. Maybe that's overstated a bit, but it was certainly refreshing, because when my five children were in high school, they spent almost all of their time in portables.

Sean Conway sat over there when he was here; when he was Minister of Labour, I think he sat there. When he was Minister of Labour, I happened to be a school trustee at the time and we begged him to just give us—and it used to be all politics. To get a new school, you had to lobby the minister: wine and cheese and all the rest of it. That was democracy when the Liberals were in power, and it's coming back. It really worries me. If we get to the fundamentals of it all, we set in place—I'll come to the construction of new schools.

How this relates to Bill 144 is this: Today there is a per pupil amount allocated for space. As your population grows, you get an allocation for capital. That capital allocation per student allows you to accrue the money to actually build the facility. What is more democratic than that? Some of these things aren't too popular politically, because they can no longer lobby the minister. Mr. Kennedy, the Minister of Labour—the Minister of Edu-

cation. Maybe that's a Freudian slip. Labour wouldn't be bad. Bentley might be OK in education. But I digress. The real issue I'm trying to make here is, let the people's voice be heard. Deal with them straightforwardly. Tell them your proposals and commit to them.

It's like listening to the agricultural debate. I listened to Mr. Hardeman, our critic, and to the Minister of Agriculture, and they are reading different books. Honestly, I am quite disarmed and disillusioned.

I just want to follow up on the previous clippings I was talking about. The Toronto Star had a piece as well on the delay of the vote at the Toyota plant: "Labour leaders seeking to unionize one of Toyota Motor Corp.'s two Canadian plants have pushed back the timing of a possible organization vote after the company took at least 150 temporary workers on as permanent employees."

Clearly, this is an important workplace democracy issue. If the employer is going to set up a dispute resolution process and treat the employees democratically, fairly and reasonably, as they do in Cambridge, the only thing that's going to lose here is the CAW's membership dues of a thousand a year. That's who is losing. They're afraid that as you increase the strength of the Employment Standards Act, there will be no need for conflict, for labour relations in the form of the union dispute mechanism.

1720

If I saw interference—I have seen it twice. I saw it in the budget. Obsequiously placed in the budget was an indication that you were allocating 2% to 3% for public sector employees. You were telling them. Then the Minister of Education sent a letter, which our critic Frank Klees was quick to catch because it was completely out of order, directing the directors and trustees to impose settlements of four years and two years under these conditions: He set in place in print the 2% and 4% and 6% increases. That's what I call intrusion in the workplace. That's not democratic, and I don't know whether this bill is going to be able to achieve these things that are very worthy.

I wanted to put on record a couple of things in the little time I get to speak; I sometimes have to sort through it. It isn't a matter of time, but often a matter of being organized.

I would only say to you that I have had correspondence with the CAW in my riding with respect to the card certification issue. I have sent it to the Premier, and the Premier's response was, "It's not my job." He sent it to Minister Bentley, who has not responded to my letter, and I'm quite disappointed. I'm referring to a letter dated February 8, 2005, from Ron Boivin, talking about the issue of the card-check certification process that keeps undemocratic intimidation in voting.

This does nothing for the workers of Ontario. We're spending time debating a bill that I'd see better formatted in changes to the Employment Standards Act.

The Acting Speaker: Questions and comments?

Ms. Horwath: It is my pleasure to comment on the debate by the member from Durham. I pretty much dis-

agree with many things he was saying, except when he was taking the McGuinty Liberals to task on some of their lack of follow-up with promises; let's put it that way.

What is clear, though, is that the concerns the Conservatives raise in their debate are really red herrings, because we all know very well that when the labour relations regime was such that it allowed card-based certification in the province for no less than 50 years, the sky didn't fall, there wasn't a problem, there wasn't a lack of balance. It's unfortunate that this government, the McGuinty Liberals, are simply kowtowing to a certain segment of workers and are not looking at this bill as an opportunity to provide the card-based certification process to all workers in the province.

Quite frankly, that process is necessary not only for construction trade workers but also for workers in many other sectors, particularly workers whom we're concerned about: workers who are visible minority, who are women, and who tend to be more intimidated in the process, tend to be more likely to be taken advantage of by employers and tend to be people who would benefit very much from a card certification process because that would address the imbalance that exists in workplaces where employers have a great deal of power and employees do not.

Although I understand where the member from Durham is coming from, I disagree with his analysis of the situation, as well as with that of the McGuinty Liberals, who are not prepared to do the right thing but are prepared to bring a discriminatory bill into this Legislature and expect support for it.

Hon. Mr. Kwinter: I've been waiting for weeks to get a chance to talk to the member from Durham. He seems to have this litany of things that are promises that haven't been kept. Let me share just a few of them in the two minutes I've got.

The member for Waterloo-Wellington, when he was a member of your caucus, brought forward a two-hatter bill. Four members of your existing caucus today didn't support him. Most of your members never even showed up for the vote.

Number two, they talk about this million dollars for the police helicopter, and they say, "Why don't you honour our commitment?" You didn't honour the commitment. You made the commitment in the budget in May. In September, the government went under—you still hadn't produced it. You talked about St. Lawrence Valley. You say, "Why don't you honour our commitments?" The St. Lawrence Valley commitment was made in 1998. Five years later, it never went ahead, and it wasn't ever going to go ahead, and that is something else.

The final thing that really galls is when you talk about a broken promise. You made a promise to the electorate, both in the third quarter report and the Magna budget, that the books were balanced, that there was no deficit. What do we find? Some \$5.6 billion. To say, as my friend and my critic says, "Well, that's just a small, little error"—

Mr. Dunlop: Small compared to what we inherited.

Hon. Mr. Kwinter: Well, yes. In the meantime, I don't have the time to go through the whole list, but I can tell you this: Every single day in my ministry, I hear about things that were promised, that rubber cheques were given, great on presentations of cheques with no money behind them, and I can tell you that if you're going to play that game, then you're going to find yourself in a lot of trouble.

Mr. Dunlop: I'm pleased—there are so many things I can speak about in a two-minute hit. I can only cover a couple, but I wanted to talk about a promise that wasn't made in the Liberal platform. I didn't read it anywhere in the platform. I've looked over and over in the platform to see when they were planning on closing the Huronia Regional Centre, the Southwestern Regional Centre and the Rideau Regional Centre. There's over a thousand jobs. For a government that cares about employees, for a government that actually cares about the workers, to put a thousand people out of work in those areas—I'm sorry, it's more than a thousand, it's 2,000 people.

In my community, 680 members of OPSEU will be put out of work over a four-year period. Now, I never read that in their platform, if we're talking about broken promises, so I guess that's a promise they didn't keep, but it's a promise they didn't break either. But the fact of the matter is, it's having a dramatic effect on the economy of my community, and I imagine on the other communities as well. I notice today that Mr. Hoy, the member from Chatham, started reading in the petitions that he's receiving up there. Not only that, this government is proceeding down this road without a plan—without a plan for the 1,000 residents of those three centres.

We're having a rally this weekend in my community with the Huronia Helpers. I'm the only person speaking to the Huronia Helpers—that's the parents' association. The minister doesn't respond to them. She's had a meeting here with two or three people and is pretending that is actually meeting with the people, meeting with the parents. But there will be 200 people at that meeting this weekend, and they're wanting answers. They're wanting the government to rescind this decision, particularly a decision that does not have any kind of a plan for those folks, for those residents of these facilities. So that's a platform promise they didn't make, and that's a promise they've come forward with, a decision that I think was a very inhumane decision at this point.

The Acting Speaker: We have time for one last question or comment.

Mr. Rinaldi: It's again a pleasure to rise and put in a couple of minutes of my thoughts to Bill 144. But I guess it seems that we've got off track a little bit. We talk about broken promises and responsibilities not kept. I think Bill 144—I mean, one has to be realistic; we have to be balanced. I think we've made some great strides to reach that balance. I give credit to the minister for taking the initiative of staging it. As I meet with union folks in my riding—I too meet with them on a regular basis—they

bring their concerns forward. My message to them—and it's very well received—is the fact that we are listening, we are making some steps, we are improving things.

I guess I wanted to point out the difference between this government and the past government. Well, they didn't consult; they just destroyed. It was the biggest destruction machine—

Interjection.

Mr. Rinaldi: Well, I can go that route because I was at the municipal level.

I tell you, we've been talking to people, and it's refreshing when people in my riding and indeed across the province, through my being a parliamentary assistant to the Minister of Infrastructure, or folks out there at all different levels, cannot believe that we're actually out there talking to them. They understand that we can't do everything overnight, that we can't just flop things over. They understand that with proper planning and proper direction we're going to get there. Bill 144 is in the right direction. It doesn't address all the concerns, but we're going to get there.

1730

The Acting Speaker: The member for Durham has two minutes to reply.

Mr. O'Toole: I wish had more time. I first want to recognize Wayne Samuelson, and Jim Moffatt who's now in the members' gallery. I wish they'd stay for my remarks because I look forward to working with them. I also thank the member from Hamilton East, the member from Simcoe North and the member for Northumberland.

Most importantly, I thank the Minister of Community Safety and Correctional Services. I do respect you and I'm pleased to have worked with you on the finance and economic affairs committee with your good friend and my good friend Mr. Phillips. You know as well as I do—I could pull the Hansard out and show you the discussions with respect to the state of the finances in the province of Ontario. So your gestures—you have a difficult job, and I'm sure you're doing it the best you can.

It's too bad you can't solve the Bill 52 thing. Quite honestly, I also support your observations with respect to when the private member's bill for Mr. Arnott was held, and I do find some difficulty with their not recognizing the diversity of Ontario when it comes to that issue of providing public safety services. It is a difficult thing for you, and I sympathize. I hope you can get your caucus to agree as well, because it's probably going to be the same issue for you. Even the fire marshal is somewhat hooked into this thing.

We inherited different things. I think it's pretty close to the two-year mark, halfway through your mandate in 2007. You've got to start looking forward. There is an argument that we had an \$11-billion deficit and a \$45-billion budget. You had, let's say, a structural deficit of \$3 billion—let's cut the mark here—with SARS, the blackout etc. Quite honestly, you've got a \$70-billion—yes, there are going to be transitional issues with all governments, I'd say to you here and now.

I'd also like to work to make Ontario a better place. This bill doesn't do that. It's a laudable bill but it's not going in the right direction. We need more jobs, not fewer. We need the Toyota plant to be here, and if their decision is based on a unionized workplace versus not getting the plant, I go for non-unionized.

The Acting Speaker: Further debate?

Ms. Horwath: I thank Michael for bringing me some water to help me get through this speech.

I want to start my comments. As I was listening to the debate tonight, and I have read some of what was said in the past, I started looking at the bill in detail a little while back, and I thought, "You know, this bill is misnamed. That's the problem with this bill." This bill says, "An Act to amend certain statutes relating to labour relations," and what it should say is, "An Act to amend statutes relating to labour relations for certain workers." Then we would have solved it, because then the bill would have been named for what it's actually doing, which is amending statutes for certain workers but not all workers. I'll be speaking about that quite a bit this evening because that's the crux of the issue. There are other things as well which I'll be raising, but that's the crux of the issue for New Democrats.

It's really interesting, because if you're just tuning in tonight and listening for the first time to this debate about Bill 144, what you'll have heard is a very interesting thing. You'll have heard that the McGuinty Liberals claim that this bill brings back balance even though it doesn't do what has been done in the province for many, many decades, and you'll have the Conservatives saying that this bill is going to cause huge problems with our economy and is going to be an economic nightmare for the province. In fact, what they're not saying is that if that were the case, it would have been happening for 50 years in Ontario. So it's quite interesting that both of these parties, the governing party and the official opposition, are having a discussion about this bill that has nothing to do with reality.

If the Liberals were interested in bringing balance back, they'd bring balance back to the way it was for 50 years in this province. They'd be bringing a bill forward that deals with all of the workers and their rights to card-based certification in the province of Ontario. If anybody is really being up front about their review of what happened during those 50 years, they will recognize that this province grew by leaps and bounds, and it did so under a card-based certification system. So a lot of what the Conservatives are bringing forward is nothing but a scare tactic and has no basis in reality.

The reality is that from the early 1950s—in fact 1949, when it was introduced—up until the neo-con times of the Mike Harris-Ernie Eves regime, the province of Ontario very clearly had a card-based certification process that provided a good opportunity for workers to be able to decide collectively that they wanted to be represented by a union, that they wanted to bargain collectively in a democratic process with their employer. Quite frankly, it didn't cause the economy to fall apart. It didn't

cause a huge imbalance. In fact, it was the way of the world for 50 years in Ontario.

Having said that, you would think, "Well, for 50 years in Ontario we had this kind of system. So what's the big deal here? Why is the Liberal government, why are the McGuinty Liberals not doing the right thing by our workers?" Of course, I can't answer that question. They're going to have to answer that question. I would urge anybody who's watching to call your Liberal MPP and find out why they refuse to give card certification to all workers in Ontario, because I can't fathom it.

Why can't I fathom it? Because if you look at the 1950s, the 1960s, the 1970s, the 1980s—OK, not the 1990s, but that was the anomaly in Ontario—if you look at all of those decades and at all of the Premiers who served during those decades, you wouldn't find that it was only one political party in government during that time. No, in fact every single political party, Premiers of every political stripe, maintained the same regime of labour relations in regard to card certification that this government refuses to put in place. This government appears to be very proud of the fact that it's breaking with that historical way of doing things that was quite helpful and productive and useful in terms of a framework for the ability of workers to decide collectively that they wanted to bargain with their employer under the auspices of a local union. But no, they have decided to grab on to the coattails of the government they unseated, the Harris-Eves government. I don't understand it.

Don't get me wrong. Do I understand the fact that the building trades want this legislation, that the building trades have been lobbying heavily for this change, that the building trades have an argument that needs to be made in regard to their desire to have a card-based certification system because of what they see as something particular to their industry? Of course I recognize that. Of course anybody would recognize that.

I have some personal experience when it comes to card-based certification, but before I get into that, I want to talk to you a little bit about my first experience in working in the trade union movement. I did that as a student when I was in university. I was placed in a union here in Toronto, as a matter of fact. The International Ladies Garment Workers Union is what it was called at the time; it's currently a union called UNITE. I was maybe 20 or 21 years old. I had the opportunity to learn from people who were active in the trade union movement.

The reason I started thinking about this in the context of the debate on Bill 144 was that if there's a union that reflects why it's so important that card-based certification be open to all workers in Ontario, it's that union. Why? Because it's largely women workers who worked in that union, and it's largely immigrant workers who worked in the workplaces, in the garment factories of Toronto, and still do, as a matter of fact. There are a lot of women garment workers who are immigrants who are still working not unionized, particularly doing home-based piecework. They're not able to get the representation of a union.

It became very clear to me very quickly, when I had the opportunity to go to some of these sweatshops, to some of these workplaces, to see the conditions under which these women were working. I'm telling you, you would not wish this kind of workplace on anybody. The first thing that struck me in the first place I went to was the fact that you could barely even see when you walked in to the shop floor. The air was thick with fibre, with dust that was literally fibres from the bolts of fabric that were being sewn by the women in this garment factory. It was a shock to me and I raised it right away. I said, "It seems almost foggy in here." It seemed like it was foggy, but the fog was not fog; it was in fact fibre dust from the raw materials that were being used in that manufacturing process, in the sewing.

1740

The person I was with assured me that this was a big issue that the health and safety committee had been working with, trying to get better ventilation systems in this factory, because people were complaining of asthma and respiratory problems as a result of the air they were breathing. But you know what? A very interesting thing happened as we continued into the plant. We went down a bunch of steps and continued on to the plant floor, where I could be closer to the women who were hunched over these sewing machines busily sewing, because of course it's piecework, and the more pieces you can sew, the more you get in your pay packet at the end of the week.

I looked at these workstations and I thought, there's something odd about these workstations. I couldn't quite figure it out at first. What exactly was happening here? You had the workstation, you had the worker—the woman—and she was busily sewing on this small-sized sewing machine, and next to her was this glass. Enclosed in this Plexiglas was what looked like a computer. I said to the woman who was giving me the tour of this plant, "I don't get it. What is this computer? What's happening here?"

What was happening was that the computers, which were counting the pieces the women were working on, were in Plexiglas. Why were they in Plexiglas? They were being protected from the environment, because guess what? The computers couldn't work, wouldn't be able to function, if they were exposed to the air these women were breathing day in and day out in this factory.

That settled it for me. From that day on, I worked very hard for that union, and for every other union that I've had the pleasure and opportunity to work for and with in the last 20 years or so. Did I just give away my age? I think I might have.

I wanted to share that story, because I think a lot of people are perhaps not quite aware, if they're tuning in to listen to this debate, are not quite understanding of why it is that people like myself work so hard to make sure that workers have an opportunity to choose to be represented by a trade union. I'll tell you, those women workers had been organized for quite some time. They had made

many improvements in their workplace, and still there were some challenges that had to be met.

That's why it's so important that we give all workers in Ontario—not just building trades, not just the Ladies Garment Workers, but everybody—the opportunity to have a card-based certification. In workplaces where there are many immigrant workers, where there are many women workers, where there are language barriers, where there are concerns about even being able to keep a job because times are so tough out there and jobs are so scarce, those are environments where the balance of power—you want to hear about balance? You've been hearing about balance all night long from the McGuinty Liberals, but when you want to talk about balance, you want to talk about balancing off the power the employer has to simply fire workers and get rid of them because they want to join a union.

I raise that because something very interesting has happened in my own city, Hamilton, recently. I've been getting e-mails from workers who have had that very experience, who very recently, in the middle of March—these are vulnerable workers, workers who would very much be positively affected by the reinstatement of the card-certification process. Why is that? Because they signed union cards about the middle of March—I think it was March 11, to be exact—and shortly after a freeze period, on March 18, their employer turned around and fired them all because they had signed cards.

The following week, on March 21, guess what? They had their vote, and of course 100% of them voted in favour of the union. Had they not had to have that vote, had they not had to go through that process, the anguish and anxiety they had been going through in my community for about a week would not have been necessary, because their cards would have been signed and they would have been certified based on that. They would not have had to go to a vote and be vulnerable to the firing that took place. In fact, that's what happened.

So when you talk about the balance, what this system does—currently, when it doesn't allow card certification—is that it gives the employer the opportunity to intimidate and fire workers for signing cards before they can get to the vote process. This is a big problem and a big concern. Certainly we want to see the building trades have the opportunity for this process, but guess what? So should every other worker in this province. The women workers and immigrant workers and people who are working in low-wage jobs, and, in the case that I was highlighting in my own community, part-time jobs: These people should not be discriminated against by their government. How can a government discriminate against a whole group of workers? It just does not make any sense. It's completely inappropriate and completely wrong-headed, and I'm hoping very much that this government, when this bill goes to committee, will reconsider their wrong-headedness and will recognize that eureka is not just a matter of giving one class of workers the opportunity for card certification, but in fact all workers should be getting that opportunity.

I have many more examples. In my early working career I worked for the labour council in Hamilton, and not because of any particular workplace issue but simply because of the fact that we worked for a labour organization, we went through a card-certification process. That was the first time I became a member of a union as an actual card-carrying member, and we certified through a card-based system. We didn't need to vote; everybody knew we wanted to be a member of the union. We signed our cards and, lo and behold, we started negotiating our first collective agreement with the labour council in Hamilton. It was an excellent system; no problem at all. It was done without any trouble.

I had another workplace experience several years after that—a little bit different circumstances, a little bit different employer. I had some trouble there, I had some concerns that weren't being addressed, so a number of my co-workers and I decided that it was time we discussed our problems in the workplace under the auspices of a collective agreement. Why? Because year after year, we were unable to do that in a way that brought us any satisfaction, so we decided that the best thing to do would be to put a framework in place that forced the employer to address our issues and our concerns in the workplace. Lo and behold, again, we signed cards, we were certified—a very small workplace, but very soon after that we were in the process of negotiating our collective agreement. To this day there is still a union in that workplace, a very small workplace but a very much happier workplace on all sides, because the employer is working well with the union and making sure that the workplace is a very positive environment, not only in the regular working conditions, not only in the things that we always hear about, like wages and benefits and all of those extremely important things, but also things like health and safety. This particular workplace moved locations because the workers were very concerned that the old office building they were in was a sick building, that there were things within that workplace that were causing them to be ill. It was a white-collar workplace, yet they needed to get that addressed. They did that through the process of a health and safety committee that was required in the language of their collective agreement.

That's just another example of where card certification in my own personal situation was undertaken, and was undertaken successfully. In none of these cases did we have an employer that was prepared to intimidate or in some way try to work against the wishes of the people who were wanting to sign cards. In no case was that the situation. Unfortunately, I have to say that that's not the case in many, many workplaces in the province of Ontario. It's unfortunate that the one workplace I was mentioning earlier that was trying to certify and everyone got fired is an upstanding, large employer in the city of Hamilton, and people are quite shocked by the behaviour there. I'll be calling them fairly soon to discuss the situation, because it just looks bad when you fire people because they have signed a union card. That's not acceptable behaviour, and this government should make

sure that it's not a legal action that employers can undertake against their workers.

I think I talked about a lot of the issues that I wanted to cover off just through my description of some of my own experiences. But I have to say that if there's one thing I need to repeat that bears repeating, it is that, whether or not this government is prepared to admit it, this bill is discriminatory. It discriminates particularly against vulnerable workers; it discriminates against immigrant workers; it discriminates against women workers, and it does so because it does not allot those vulnerable people, those people who are—and when I say “vulnerable,” I mean vulnerable to employer attacks on their rights to organize; vulnerable in terms of their awareness of the laws of Ontario, of their rights to organize, of their ability to advocate on their own behalf. A lot of these women workers really do a lot of good work in our communities. These people care for our children; they care for our seniors. These people deserve the respect not only of this government but of every single person in the province, and they can gain that respect if they're given the same rights as every building trade worker who has been given the right to card certification.

1750

I have to say really quickly that there are a number of things that we thought should have been in this bill. This was a good opportunity for the government to do some positive things around scabs, particularly. We don't believe that scabs are the right way to go in this province. We believe that in order to have a table at which a collective agreement can be appropriately negotiated with the right amounts of pressure on all sides—because, let's think about it: The pressure the workers are under is that they're not getting paid. They're losing their homes; they're remortgaging their houses; they're doing things that none of us would even imagine in terms of how

difficult it is and how much pressure it brings to bear on family life. So workers are under a great deal of pressure when it comes to the decision to strike.

But do you know what? Employers don't have that pressure. Why? Because they just have to go out and hire other workers while their employees are out on the picket line trying to have their voices heard, trying to have their issues in the workplace being seriously considered by their employer. The employer simply has to turn the other way, ignore what they're doing, ignore their concerns, ignore their wishes, ignore their requests and hire other workers and let them come in and do the job of the workers who are trying to get a collective agreement with the employer. That's simply disgusting. There's no pressure on the employer, is there? There's no requirement for the employer to take those issues or those concerns seriously if there's no pressure on them. How can there be pressure on them to seriously bargain with the workers if they can hire scabs and have them come in, replacement workers, and do the work of the people who are on strike?

We believe the government had a real opportunity here to deal with strikebreakers, to deal with scab labour, to get rid of that nasty scenario, to bring real balance to the bargaining table so that there's equal pressure being brought on both parties to come up with a collective agreement that meets the needs of workers and employers and makes a peaceful regime where there isn't strike-breaking, where there isn't violence on the picket line. That's the opportunity this McGuinty government missed. It's a very sad day in Ontario that we have Bill 144, An Act to amend statutes relating to labour relations for certain workers.

The Acting Speaker: It being fairly close to 6 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 1755.

CONTENTS

Tuesday 5 April 2005

MEMBERS' STATEMENTS

Archives of Ontario	
Mrs. Munro	5949
Affordable housing	
Ms. Broten	5949
Mary McBride	
Mr. Wilson	5949
School safety	
Mrs. Van Bommel	5950
Bobcaygeon-Verulam Community Centre	
Ms. Scott	5950
Autism treatment	
Ms. Martel	5950
Federal-provincial fiscal policies	
Mr. Wong	5951
Municipal finances	
Mr. Arthurs	5951
Mr. Oraziotti	5951

MOTIONS

Consideration of Bill 133	
Mr. Bartolucci	5951

ORAL QUESTIONS

Public safety	
Mr. Tory	5952
Mr. Bryant	5952
Casino Windsor	
Mr. Tory	5952
Mr. Smitherman	5952
Autism treatment	
Mr. Hampton	5953
Mrs. Bountrogianni	5953
Mr. Kennedy	5954
Environmental protection	
Mr. Hampton	5954
Mrs. Dombrowsky	5954, 5956
Ms. Churley	5955
Hospital funding	
Mr. O'Toole	5955
Mr. Smitherman	5955
Mr. Jackson	5955
Electronic service delivery	
Ms. Smith	5956
Mr. Watson	5956
School closures	
Mr. Klees	5957
Mr. Kennedy	5957
Mr. Yakabuski	5957
Pension plans	
Ms. Horwath	5957
Mr. Smitherman	5957

Public transportation

Mr. Racco	5958
Mr. Takhar	5958

Municipal restructuring

Mr. Hudak	5958
Mr. Gerretsen	5959

School health and safety

Mr. Marchese	5959
Mr. Kennedy	5959

Community use of schools

Mr. Rinaldi	5960
Mr. Bradley	5960

Northern air service

Mr. Ouellette	5960
Mr. Ramsay	5960

Coroner's inquests

Ms. Martel	5960
Mr. Smitherman	5961

Lake Erie fishery

Mr. Crozier	5961
Mr. Ramsay	5961

PETITIONS

Volunteer firefighters

Ms. Scott	5961
-----------------	------

Pension plans

Ms. Horwath	5962
-------------------	------

Workers' compensation

Mr. Mauro	5962
-----------------	------

Regional centres for the developmentally disabled

Mr. Dunlop	5962
Mr. Hoy	5964
Ms. Horwath	5964

GO Transit tunnel

Mr. Ruprecht	5963
--------------------	------

Frederick Banting homestead

Mr. Wilson	5963
------------------	------

Teacher qualification

Ms. Smith	5963
-----------------	------

Casino Windsor

Mr. O'Toole	5963
-------------------	------

Water extraction

Mr. Barrett	5964
-------------------	------

Tenant protection

Mr. Ruprecht	5964
--------------------	------

SECOND READINGS

Places to Grow Act, 2005, Bill 136,	
<i>Mr. Caplan</i>	
Vote deferred	5965
Film Classification Act, 2005,	
<i>Bill 158, Mr. Watson</i>	
Vote deferred	5965

Labour Relations Statute Law Amendment Act, 2005,

Bill 144, Mr. Bentley

Mr. Fonseca	5965
Mr. O'Toole	5966, 5981, 5982, 5986
Ms. Horwath	5966, 5969, 5973, 5980, 5984, 5986
Mr. Levac	5966, 5980
Ms. Martel	5967
Mr. Duguid	5967
Mr. Delaney	5968, 5970, 5977
Mr. Wilson	5969
Mr. Wilkinson	5969
Mr. Miller	5970, 5974
Mr. Rinaldi	5973, 5985
Mr. Yakabuski	5974
Mr. Bisson	5974, 5978
Mr. Hampton	5975
Mr. Runciman	5978
Mr. Kwinter	5978, 5985
Mr. Zimmer	5979, 5981
Mr. Wong	5979
Mr. Dunlop	5980, 5985
Debate deemed adjourned	5989

TABLE DES MATIÈRES

Mardi 5 avril 2005

DEUXIÈME LECTURE

Loi de 2005 sur les zones de croissance,	
<i>projet de loi 136,</i>	
<i>M. Caplan</i>	
Vote différé	5965
Loi de 2005 sur le classement des films,	
<i>projet de loi 158,</i>	
<i>M. Watson</i>	
Vote différé	5965
Loi de 2005 modifiant des lois concernant les relations de travail,	
<i>projet de loi 144,</i>	
<i>M. Bentley</i>	
Débat présumé ajourné	5989



No. 124

N° 124

ISSN 1180-2987

**Legislative Assembly
of Ontario**First Session, 38th Parliament**Assemblée législative
de l'Ontario**Première session, 38^e législature**Official Report
of Debates
(Hansard)****Journal
des débats
(Hansard)****Wednesday 6 April 2005****Mercredi 6 avril 2005**Speaker
Honourable Alvin CurlingClerk
Claude L. DesRosiersPrésident
L'honorable Alvin CurlingGreffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 6 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 6 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

TARTAN DAY

Mr. Norm Miller (Parry Sound–Muskoka): Today is Tartan Day. I didn't wear my father's tartan today because I knew that Bill Murdoch was going to be wearing his kilt. Unfortunately, Bill is ill today, so try to imagine for a second that I am Bill Murdoch. This is Bill's statement. Remember, I'm Bill Murdoch.

"I rise today in my own MacPherson tartan to celebrate the 685th anniversary of Scotland's independence and the 14th anniversary of my resolution to name April 6 as Tartan Day in the province of Ontario.

"As you know, Scottish heritage runs deep in our province and has influenced everything from the breeds of livestock to food and drink. In fact, tartans were an ancient form of dress used by Scottish Highlanders and today denote their clan. Kilts—a play on the word "Celt"—were the early battle garb worn by Roman soldiers.

"It could be argued that the independent spirit and stubborn views of our ancestors are alive and well in the House today." You can say that again.

"Canada's first two Prime Ministers, Sir John A. Macdonald and Alexander Mackenzie, were both born in Scotland, as was NDP founder Tommy Douglas. It's easy to see how Scotland has had a direct impact on the history of Canada and Ontario.

"Adding to the fiery reputation of Scots, the former Proton township resident Agnes Macphail, the first woman elected to the House of Commons, was of Scottish descent.

"It is good to see some members displaying the tartan in order to celebrate the Scottish contribution to the multicultural nature of Ontario, and I hope you will continue the tradition of wearing the plaid to commemorate and promote April 6 as Tartan Day."

HUGUETTE BURROUGHS

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): I rise today to pay tribute—je me lève aujourd'hui pour exprimer mes respects—to an exemplary woman from my riding of Stormont–Dundas–Char-

lottenburgh, the late Huguette Burroughs. Huguette passed away this past week, leaving an incredible legacy behind. She was a celebrated journalist, a recipient of the Queen's Golden Jubilee Medal, a member of the Order of Ontario, and a Cornwall city councillor.

For 23 years, Huguette Burroughs championed the francophone community as the editor of the city's only francophone newspaper, *Le Journal de Cornwall*. Over the years, Huguette faced a variety of health challenges that left her blind, cost her a limb, and left her in need of dialysis three times a week.

We could understand if someone in such a position were to retire from active life. Huguette did retire from her editorial position, only to run for city council. She would let nothing stand in the way of her desire to serve her community, which she held so dear.

Huguette Burroughs provided not only people with disabilities but all of us with an incredible role model. She was a woman of principle and strength, and the city of Cornwall has been enriched by her community activism and public representation.

I close with a quote from Ms. Burroughs herself, words I hope all of us, as representatives of the people, will take to heart: "Vision isn't just about eyesight. It comes from experience. It comes from the heart, and my heart is filled with respect and love for this community and its kind and good people who deserve the best."

Huguette, as a proud Ontarian and a proud Cornwallite, you have inspired us, and we will remember you.

MUNICIPAL RESTRUCTURING

Mr. Tim Hudak (Erie–Lincoln): Unfortunately, it has become an old story with the Dalton McGuinty government: You promise one thing and then you do another. In fact, the *Brampton Guardian* now calls it "pulling a McGuinty" when that happens, and boy, he's pulling one again when it comes to government in Peel region.

After months of saying they wouldn't intervene in municipal governance affairs, the Dalton McGuinty government appointed a facilitator, Justice Adams, to deal with the crisis they've created in Peel region. They've had this report since December. They've had this report for months and have failed to make any kind of decision on where they are going to go on the issue. So not only did Dalton break a promise, but he waded in without any plan whatsoever.

As a result of the Premier's dithering on the issue, municipal councillors and mayors are devoting a good deal of energy to this governance issue and how many councillors sit, time that could have been spent on improving services in Peel region, like police services, roads, and public health.

Most importantly, I want to know where local MPPs stand. Where do the members for Bramalea–Gore–Malton–Springdale and Brampton West–Mississauga stand on the issue? Surely they have an opinion, but they're ducking it. I think the Don Guys and the Gerald Butts have put out the gag order and told those members not to say anything. But I'll say to my colleagues, ask Don Guy what seat he represents. Walk right on by him. Tell Dalton McGuinty where you stand, and tell him to make a decision, once and for all.

AFFORDABLE HOUSING

Mr. Michael Prue (Beaches–East York): I rise today to recognize the enormous efforts of the Interfaith Social Assistance Reform Coalition in bringing Ontario's affordable housing disaster right to our doorstep. As the members opposite will know, they will be here tomorrow and they will be hosting delegations from across Ontario and any others who wish to come and hear about the housing crisis that we are having here in Ontario.

Ontario's lack of affordable housing long ago reached that crisis point. In 1995, the then-Conservative government cancelled all non-profit housing programs that had been initiated. They moved the province out of the housing business and left thousands of low-income Ontarians in the cold.

In 2003, the Premier promised change. So far, we have seen absolutely nothing. All we see is announcement upon reannouncement. As any Ontarian living on social assistance and working for minimum wage will tell you, even the announcements they make for affordable condos are of no avail to them at \$115,600.

Recently, the federal housing minister has moved to help the province access hundreds of millions of dollars of unspent federal monies. Tomorrow, ISARC's forum will give this government a chance to outline their plan to utilize these dollars. We don't want to hear promises. We don't want to hear reannouncements. We want to know when the shovels go in the ground and that real people can have the affordable housing they need.

1340

HEMODIALYSIS

Ms. Kathleen O. Wynne (Don Valley West): I rise today to commend an innovative program in my riding of Don Valley West that's making life easier for patients with kidney disease. Traditionally, a patient in need of hemodialysis would travel to a hospital three times a week, each time for a four-hour treatment. Thanks to the Home Plus program, a pilot project at Sunnybrook and Women's College Health Sciences Centre, these patients,

many of whom are elderly, are now cared for in their homes. This has benefited both the individuals in the program who receive dialysis overnight as well as the hospital by decreasing wait times, saving money and freeing needed hospital beds.

This is an instructive success story. Here a crisis became an opportunity because of the efforts of dedicated health professionals at Sunnybrook and Women's, including Dr. Matthew Oliver, director of dialysis; Murray Rowe, project manager—Murray is with us today in the gallery; and Leo Steven, president and CEO of Sunnybrook and Women's.

In 2001, all the outpatient spots for hemodialysis were full at the hospital's regional dialysis program, meaning that new patients starting hemodialysis required admission. This took its toll on the hospital's resources. The average stay for these patients was 22 days, using dialysis resources normally reserved only for those with acute renal failure. The problem peaked when the hospital had to transfer an accident patient out of the city to receive care.

The Home Plus program provides an excellent example of what communities can accomplish when they work co-operatively. The program brings together the North York Community Care Access Centres, St. Elizabeth Nursing, the Kidney Foundation of Canada, Fresenius Medical Care of Canada and epost/Canada Post, which provides patients with unlimited access to their medical information in a patient-friendly format.

This is the kind of innovation and planned change that we should celebrate and encourage.

AUTISM TREATMENT

Mr. Frank Klees (Oak Ridges): Dalton McGuinty made this unqualified promise to autistic children and their parents: "The Ontario Liberals support extending autism treatment beyond the age of six." That same Dalton McGuinty said, "I ... believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory."

Those promises were made while Dalton McGuinty was scratching for votes in every corner of the province and behind every issue. So desperately did he want to be Premier that no promise was withheld and no issue was beyond his political ambition.

He is now Premier, and while he and his ministers have the titles, the offices and the trappings of power, they have lost the respect, the trust and the confidence of the very people who entrusted them with leadership responsibilities.

Integrity is about keeping your word, doing what is right and having the courage to face difficult issues head-on. This Legislature and the people of Ontario have witnessed their Premier fail autistic children and their parents on all three counts. He did not keep his word, he did not do what is right, and he did not even have the courage to face those with whom he broke faith, choosing rather to turn his back on those to whom he made

commitments, refusing to take responsibility, and deflecting any and all questions on this important issue to his ministers, who equally, in turn, were evasive.

The people of Ontario deserve better.

ST. JOHN'S REHABILITATION HOSPITAL

Mr. David Zimmer (Willowdale): It's not very often that someone sits down, takes out a pen, and writes out a cheque to a hospital for \$1 million or more, but recently St. John's Rehabilitation Hospital in my Willowdale riding was the beneficiary of not one but two such donations.

St. John's serves as a national and provincial leader in specialized rehabilitation medicine. It is preparing to begin a major enhancement and expansion of its patient care facilities located in Willowdale.

This fall, the hospital will launch a public fundraising campaign to raise \$15 million to fund its share of the facility redevelopment. This is the first time the hospital will be seeking community support for a building program since its founding in 1937.

The Anglican Sisters of St. John the Divine founded this hospital and have managed it since. They continue to play a major role in its growth and development. The sisters have pledged \$5 million toward the \$15-million goal as evidence of their outstanding commitment to improving access to specialized rehabilitation care for Ontario residents.

Recently, the sisters were joined in this major campaign initiative by Sally Horsfall Eaton and John Craig Eaton, who have also personally pledged \$1 million to the campaign.

The staff and physicians, the Sisters of St. John and the Eaton family are helping to build a critical road to recovery for residents of this province. I want to congratulate them on this selfless contribution.

ADDICTION SERVICES

Mr. Kim Craitor (Niagara Falls): The people of my riding of Niagara Falls—in fact, the entire Niagara region—thank the Minister of Health and the McGuinty government for improving detox services in our region. Our government moved quickly to cover this program's shortfall. As a result, this vital service remained open in Niagara.

Our government invested \$173,000 in withdrawal management and substance abuse services in Niagara region to assist residents dealing with addiction on the road to recovery. This was a two-part announcement. First, various regional detox centres received necessary funds to stay open for the balance of the year, but more importantly, the second announcement put into place additional funding on a long-term basis to keep these vital services working in our communities.

Substance addiction is a very serious disease that requires very specialized treatment. Overall, the an-

nouncement was part of a province-wide \$4-million investment that builds on the government's \$106-million annual investment to provide withdrawal management and substance abuse treatment to cover over 125,000 Ontarians.

Drug and alcohol abuse tears apart lives and families. I am extremely proud that my government was determined to provide those in need with the right care in their communities, where it does the most good. Thank you, on behalf of a grateful community.

MUNICIPAL FINANCES

Mr. Bruce Crozier (Essex): I rise today to speak about the McGuinty government's commitment to small, northern and rural municipalities across Ontario. Last week, we reaffirmed our commitment to these municipalities by investing \$656 million through the new Ontario municipal partnership fund, an increase of \$38 million, or 6.1%, over 2004. We are providing one-time transition funding of \$233 million, meeting the province's reconciliation obligations from 2003 and 2004 under the old community reinvestment fund.

Under the new Ontario municipal partnership fund, communities in Essex county will be receiving a total of \$4.5 million for 2005, an increase of \$3.3 million from what was received under the old community reinvestment fund. The town of Essex, for example, will receive \$1.1 million this year, an increase of \$782,000. Essex treasurer Donna Hunter said that the Ontario municipal partnership fund transfer payment represents 10% of what Essex collects, which is a substantial amount of money for a community of its size.

Just one out of the 87% of the municipalities across Ontario, the town of Essex is benefiting from the McGuinty government's promise to build stronger, more self-sufficient municipalities. I'm proud to be their MPP. I'm pleased to talk about this new fund. It just makes me feel good.

VISITORS

Mr. Jim Wilson (Simcoe-Grey): On a point of order, Mr. Speaker: I would ask members to join me in welcoming the family of legislative page Scott Dickson. We have Mr. and Mrs. Hartley, Scott's grandparents, in the gallery, along with Steve, Sheila, Andrew and Laura Dickson from my riding.

The Speaker (Hon. Alvin Curling): That's not a point of order, but welcome.

Mr. Gilles Bisson (Timmins-James Bay): On a point of order, Mr. Speaker: I'd like to welcome to the assembly a number of assembled grand chiefs and chiefs from across northern Ontario. We have, from Treaty 9, Grand Chief Stan Beardy; from Treaty 3, Arnold Gardner. We have Chris McCormick here from the allied Iroquois nations, along with Stan Louttit, my good friend from Mushkegowuk Tribal Council.

I'm sure I'm missing somebody, but if I did, please forgive me.

The Speaker: That's not a point of order.

We have with us in the Speaker's gallery a parliamentary delegation from the Republic of Lithuania, led by His Excellency Artūras Paulauskas, chairman of the Parliament of Lithuania, and also members of the Parliament, and Her Excellency the ambassador. Welcome.

Mr. Tony Ruprecht (Davenport): On a point of order, Mr. Speaker: Along with this delegation is a very distinguished Canadian, the former president of the Canadian Lithuanian congress, Mr. Al Pacevicius. He's also here.

The Speaker: That's not a point of order.

Mr. Bob Delaney (Mississauga West): On a point of order, Mr. Speaker: I'd like to welcome a former colleague of mine, Mr. Brian Sullivan, to the Legislature, making his first visit. But I guess it's not a point of order either.

The Speaker: We all agree it's not a point of order, and I hope it's not a practice that will be continued.

1350

STATEMENTS BY THE MINISTRY AND RESPONSES

APPRENTICESHIP TRAINING

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): Investing in our apprenticeship system is part of the government's plan to strengthen our greatest competitive advantage: the skills and expertise of our people.

Today I had the pleasure of meeting some students at George Brown College who are training to become electricians, sheet metal workers, plumbers, and air conditioning and refrigeration mechanics. I was joined by my colleague Minister Cordiano at this event, and we both marvelled at the students' dedication to learning and excelling in their chosen careers. I'm confident they are on the path to great success.

To further support apprentices like those I met today, I announced our government's investment of \$37 million in Ontario's next generation of skilled workers. As part of today's announcement, we will provide Ontario's colleges with \$20 million to help them expand their ability to train the increased number of apprentices our economy needs.

Through the apprenticeship enhancement fund, we are increasing opportunities for training to ensure that apprentices have access to state-of-the-art technology and facilities. We are also demonstrating our commitment to expand opportunities for students, experienced workers and internationally trained skilled workers to pursue rewarding careers in the skilled trades.

Since coming to office, the McGuinty government has taken several steps to expand existing pathways to

apprenticeship and create new career opportunities in the skilled trades. We have introduced a new apprenticeship training tax credit that helps employers hire and train new apprentices. We have established 1,500 new \$1,000 scholarships for students who have left school early and then returned to upgrade their academic credentials in order to pursue an apprenticeship. Employers who hire these young people as apprentices will also receive a \$2,000 signing bonus. We have implemented the new co-op diploma apprenticeship program that provides young people with the opportunity to concurrently work toward a post-secondary credential and an apprenticeship qualification.

Ontario has Canada's largest apprenticeship training system. We provide access to careers in more than 136 skilled trades in construction, manufacturing, motive power and the service sectors. These activities are the result of partnerships with secondary schools, colleges, industry and labour. We are working together to promote apprenticeship training as an important and rewarding career path. An apprenticeship in the skilled trades is a very attractive post-secondary education option for our young people.

An example of partnership is the annual minister's apprenticeship employers recognition and awards event, which I will host this evening for the second year. I look forward to congratulating employers who are exceptional leaders in training apprentices and promoting careers in the skilled trades. The commitment of these employers is an essential component of our province's continued economic success. The training they provide is indeed an investment in our economy's future and in the prosperity of our people. The Ontario government appreciates the commitment of these and other employers.

We are committed to increasing the number of new apprenticeship registrations by 7,000, to a total of 26,000 annually, by the end of 2007-08. We will continue to invest in programs to help our people enhance their skills. Our commitment is clear: We will build an economy based on strong skills and high standards; we will build a quality of life in Ontario that is second to none.

The Speaker (Hon. Alvin Curling): Responses?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm very pleased to respond to the announcement today, indicating that the government is going to take some additional steps to support apprentices and provide them with increased access to training.

I think everyone in this House, and in fact most people throughout the province of Ontario, recognize it's absolutely essential that we do more to ensure that we have the apprentices and tradespeople we will need to meet the needs of the economy, because we know that at the present time there are shortages in many of the trades. We also need to make sure that the initiatives we undertake start to encourage young people, probably from the age of about 12, to start looking at and seriously considering whether they want to pursue jobs in the apprenticeship area and to become skilled tradespeople. So this announcement certainly is a step forward.

This announcement builds on what my colleague the Honourable Dianne Cunningham had undertaken when our government was in office. We recognized that there was a shortage of high-tech and skilled workers in Ontario and undertook many initiatives that enabled us to work co-operatively with and encourage employers to invest in training, because it is absolutely essential to the competitiveness and economic prosperity of our province. There is a responsibility on the part of government, the private sector and obviously the institutional educational sector to do what they can to support it.

I just want to review some of the initiatives we did take. We actually had a plan to double the apprenticeship program, and we did increase the investment in training. If we go back to the 2002 budget, we made substantive new investments in apprenticeship and training. The number increased from \$5 million in 2002-03 to \$25 million in 2005-06. In fact, we increased funding for apprenticeship training by \$33 million in 2004-05 to help double the number of new entrants into apprenticeship programs. We also indicated that we were going to be investing \$50 million over five years, the capital funding for our colleges to upgrade equipment and facilities for apprenticeship training.

So I think you can see that part of the announcement today is very similar to the announcement we made in 2002, where we recognized the need to make sure our colleges could update their facilities and equipment. So that's an announcement we had already made.

We also expanded the Ontario youth apprenticeship program and doubled its funding from \$2 million in 1998-99 to \$6 million in 2002-03 to allow more students to start apprenticeships while completing high school. We also invested in pre-apprenticeship programs to encourage potential new entrants into the system, and a journey person updating program to help experienced skilled workers keep their skills current.

1400

So if you take a look at the announcement here, I think it is, in some respects, a reannouncement of some of the initiatives we indicated we would be following through with from 2002. I'm pleased that this announcement has taken place today, because I think it is incumbent on all of us in this House to ensure we have the needed individuals working in the province, and we need to continue to invest in training in order that this province remains competitive and in order that we can enjoy the economic prosperity we're going to need if we are to continue to provide high-quality educational services, health services and community safety. Certainly this is a step in the right direction, but as I say, in some respects it is simply a reannouncement of some of the plans we indicated we were going to move forward with.

Mr. Rosario Marchese (Trinity-Spadina): I want to say that New Democrats support any initiative that builds on any apprenticeship program this government has in mind that will help our trades and the technology programs we are offering in the high school system or the college system. But here is the problem—and I want to

read from a letter sent to me by an educator in Ottawa. This is what this teacher says. I know that the minister, who at the moment is not as attentive as she might want to be, would want to listen to this letter. Minister, here is what this educator said:

"As an educator, I am concerned that our students are receiving the best possible education to prepare them for the future. I am very concerned that the \$20 million of the technological education renewal initiative (TERI) your government has promised for the school year 2004-05 has yet to be distributed, which is seriously jeopardizing the education of our future skilled workforce, and subsequently the future economy of Ontario.

"In our technological world, it is important that today's student acquire the technological skills and knowledge necessary for success in tomorrow's careers. Technological education, with an applied, hands-on, project-based approach, is critical to providing today's students with the essential and transferable skills for all manner of careers, particularly in the skilled trades and technical occupations. However, there has been a lack of adequate funding and comprehensive planning in technological education in secondary schools, resulting in shop closures, inadequate facilities and limited educational opportunities for today's students.

"In 2003, the government of Ontario announced the \$90-million technological education renewal initiative (TERI) to provide for the renewal and enhancement of technological education programs in our high schools. The present government," meaning you, "subsequently announced, in the spring of 2004, that the TERI allocation would be increased to \$20 million for the 2004-05 school year. This has yet to occur.

"The success of post-secondary programs, school-to-work and school-college initiatives, vocational training and apprenticeship programs in the skilled occupations and trades all rely on a steady influx of well-prepared, technologically literate students. The economy of Ontario relies on a well-trained, skilled workforce, and this workforce relies on a strong, accountable and sustainable technological education.

"We urge the Ontario government to expedite the 2004-05 allocation of the TERI fund...."

Minister, I think you're getting my drift. If you cannot deliver on a promise you made last year, how are you going to deliver on a promise you are making this year for yet another program? I know that the minister is busy at the moment, but I know that every other Liberal is listening and I know that the people watching this program are listening. I'm saying to you, before you break another promise, deliver on the promise you made last year. That's the concern I've got with the promise you're making today.

People for Education have indicated that there is a rising high school dropout rate. It has reached 29%, and this is affecting the most vulnerable students in our high school system.

I say to you, Minister, you should reach out to the curriculum casualty minister and work with him to deal

with all the problems we've got in our high school system. Why not increase the availability of such programs as aircraft technology, construction technology, architectural design and other programs so that we would ensure a full range of technical programs at local schools? Why not put specialist teachers in our schools to impart specialized skills to students so that we would have applied courses that teach English and math. as they as they relate to training and trades, math. for carpentry and science for auto repair? Why not equip existing apprenticeship offices to find placements for student applicants so that high school students would be able to apply for apprenticeship positions through the guidance office in the same way that they apply to college and university?

Why don't you do something practical? Work with the curriculum casualty minister so that together we can help students in our high school system who desperately need the help. Do something serious like that. That would be helpful.

DEFERRED VOTES

PLACES TO GROW ACT, 2005

LOI DE 2005 SUR LES ZONES DE CROISSANCE

Deferred vote on the motion for second reading of Bill 136, An Act respecting the establishment of growth plan areas and growth plans / Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1406 to 1411.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Dombrowsky, Leona	Oraziotti, David
Bartolucci, Rick	Duguid, Brad	Peters, Steve
Bentley, Christopher	Duncan, Dwight	Peterson, Tim
Berardinetti, Lorenzo	Flynn, Kevin Daniel	Phillips, Gerry
Bountrogianni, Marie	Fonseca, Peter	Pupatello, Sandra
Bradley, James J.	Gerretsen, John	Racco, Mario G.
Broten, Laurel C.	Jeffrey, Linda	Ramal, Khalil
Brownell, Jim	Kular, Kuldip	Ruprecht, Tony
Bryant, Michael	Kwinter, Monte	Smith, Monique
Cansfield, Donna H.	Levac, Dave	Sorbara, Gregory S.
Caplan, David	Marsales, Judy	Takhar, Harinder S.
Chambers, Mary Anne V.	Matthews, Deborah	Van Bommel, Maria
Colle, Mike	Mauro, Bill	Watson, Jim
Cordiano, Joseph	McMeekin, Ted	Wilkinson, John
Craiton, Kim	McNeely, Phil	Wong, Tony C.
Crozier, Bruce	Meilleur, Madeleine	Wynne, Kathleen O.
Delaney, Bob	Milloy, John	Zimmer, David
Di Cocco, Caroline	Mitchell, Carol	

Nays

Arnott, Ted	Hudak, Tim	Munro, Julia
Baird, John R.	Jackson, Cameron	Ouellette, Jerry J.

Barrett, Toby
Bisson, Gilles
Chudleigh, Ted
Flaherty, Jim
Hardeman, Ernie
Horwath, Andrea

Klees, Frank
Kormos, Peter
Marchese, Rosario
Martel, Shelley
Martiniuk, Gerry
Miller, Norm

Prue, Michael
Runciman, Robert W.
Tory, John
Wilson, Jim
Witmer, Elizabeth
Yakubski, John

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 53; the nays are 24.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. David Caplan (Minister of Public Infrastructure Renewal): Speaker, I would ask that the bill be referred to the standing committee on general government.

The Speaker: So ordered.

FILM CLASSIFICATION ACT, 2005

LOI DE 2005

SUR LE CLASSEMENT DES FILMS

Deferred vote on the motion for second reading of Bill 158, An Act to replace the Theatres Act and to amend other Acts in respect of film / Projet de loi 158, Loi remplaçant la Loi sur les cinémas et modifiant d'autres lois en ce qui concerne les films.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1415 to 1420.

The Speaker: Mr Watson has moved second reading of Bill 158.

All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Duncan, Dwight	Munro, Julia
Arthurs, Wayne	Flynn, Kevin Daniel	Oraziotti, David
Baird, John R.	Fonseca, Peter	Peters, Steve
Barrett, Toby	Gerretsen, John	Peterson, Tim
Bartolucci, Rick	Hardeman, Ernie	Phillips, Gerry
Bentley, Christopher	Hudak, Tim	Pupatello, Sandra
Berardinetti, Lorenzo	Jackson, Cameron	Racco, Mario G.
Bountrogianni, Marie	Jeffrey, Linda	Ramal, Khalil
Bradley, James J.	Kennedy, Gerard	Ruprecht, Tony
Brownell, Jim	Kular, Kuldip	Smith, Monique
Bryant, Michael	Kwinter, Monte	Sorbara, Gregory S.
Cansfield, Donna H.	Levac, Dave	Takhar, Harinder S.
Caplan, David	Marsales, Judy	Tory, John
Chambers, Mary Anne V.	Matthews, Deborah	Van Bommel, Maria
Colle, Mike	Mauro, Bill	Watson, Jim
Cordiano, Joseph	McGuinity, Dalton	Wilkinson, John
Craiton, Kim	McMeekin, Ted	Witmer, Elizabeth
Crozier, Bruce	McNeely, Phil	Wong, Tony C.
Delaney, Bob	Meilleur, Madeleine	Wynne, Kathleen O.
Di Cocco, Caroline	Miller, Norm	Zimmer, David
Dombrowsky, Leona	Milloy, John	
Duguid, Brad	Mitchell, Carol	

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
Chudleigh, Ted	Marchese, Rosario	Runciman, Robert W.
Flaherty, Jim	Martel, Shelley	Wilson, Jim
Horwath, Andrea	Martiniuk, Gerry	Yakubski, John
Klees, Frank	Ouellette, Jerry J.	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 64; the nays are 14.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. Jim Watson (Minister of Consumer and Business Services): Mr. Speaker, I would ask that the bill be referred to the standing committee on justice policy.

The Speaker: So ordered.

ORAL QUESTIONS

FREEDOM OF INFORMATION

Mr. John Tory (Leader of the Opposition): My question is for the Premier. On September 22, 2003, the Premier said, "I think that [in] governing in the beginning of the 21st century, an important aspect of that is transparency."

On February 9 of this year, the Ministry of Health said, in response to a freedom of information request we filed, that it would cost \$10,190 for a copy of the expenses filed by your Minister of Health and his staff. If your government has the paperwork good enough to write the cheque to the minister and his staff for those expenses, then why can't you make that paperwork public? Is this delay of the \$10,000 cost your idea of transparency?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm pleased to receive the question, and I want to remind the leader of the official opposition that these are the very rules his government put in place. He's now standing in this Legislature railing against rules and regulations put in place by his government. I will stack our government's record against that government's record any day when it comes to openness and transparency. No government has done more to create more openness and more transparency, and I look forward to detailing that in the supplementary questions.

Interjections.

The Speaker (Hon. Alvin Curling): Just a moment. There's an anxiety on the government side by three or four people who want to answer the question. The question will be answered by the person who has been designated to do so.

Mr. Tory: Unfortunately, this only gets worse. On October 22, 2004, we requested a copy of the House book of your Minister of Education, which he carries with him into the House each and every day. I know that it's probably sitting on his desk right now. Six months later, we still have no response at all from the ministry. If you'd like, I could photocopy the book right now in our office and give it back to you in 20 minutes at a cost of about \$40. Is this the kind of stonewalling you mean by running this transparent government you boast so much about?

Hon. Mr. McGuinty: Can we be serious about this, Speaker? If you provide us with copies of your questions before question period, then we'll provide you with copies of our ministers' briefing books before question period.

Mr. Tory: Let's try again—another question for the Premier. When we finally do receive something back in response to a freedom of information request, this is the kind of thing we get, and I'm happy to send this to the Premier. This is the kind of thing we get. This is an FOI seeking copies of e-mails sent by your own staff members, blacked out except for a name, a date and a title.

Mr. Premier, is this what you mean by the kind of transparent government you're operating? Is this what you mean?

Hon. Mr. McGuinty: I'm taking delivery of all kinds of goods here.

Interjections.

Hon. Mr. McGuinty: I'll share it with the Leader of the Opposition first.

By way of a government that is committed to openness and transparency, let me tell you about some of the things we have done. We're taking more bills to committee for public input than ever before. We passed the Fiscal Transparency and Accountability Act, something that party opposed. We opened up Hydro One and OPG to freedom of information requests, something they were against.

As well, we've expanded the power of the Provincial Auditor to look at the broader public sector, like universities, colleges and hospitals. They were also against that. Furthermore, we have passed a law that requires that ministers be present for at least two thirds of question period. I'll put my record, where I'm here for at least two thirds of question period—by the way, for the entire question period—against any representative of that government any day.

The Speaker: New question.

Mr. Tory: The Premier has spoken in the past and continues to speak at great length today about his plans for an open and accountable government. When you launched your so-called—

Interjection.

The Speaker: Minister of Community and Social Services, the leader of the official opposition has the floor. I don't like him to be shouted down.

Mr. Tory: Premier, when you launched your so-called Government That Works for You platform on April 30, you said, "We will encourage MPPs to represent their constituents instead of blindly toeing the party line." You haven't had a free vote yet, but that's for another day.

Your press secretary did issue a memo to MPPs and their staff ordering them not to talk to the media. Is that your idea of the kind of open and transparent government you're going to run?

Hon. Mr. McGuinty: That is pure, unadulterated nonsense. I think you'll find all kinds of newspapers, media newscasts and radio stories that are filled with

commentary from members of our government. We feel a responsibility to speak out on behalf of this government and speak up for our constituents, and we will continue to do so.

1430

Mr. Tory: I say to the member that, for openness and transparency, we're still waiting for the first free vote. Premier, you have so far failed to disclose the specific science that supposedly guided your greenbelt boundary decisions. We made a freedom of information request in respect of that information, trying to get the information on the science, and we were told that would cost \$1,400 and would take over three months to respond to the request. Again, is this what you meant by operating an open and transparent government?

Hon. Mr. McGuinty: You know, I've given that answer before, and I'm more than pleased to give it again. With respect to the science upon which we relied—and by the way, which was relied on to a great extent by the Tories when they were in power—I'll be pleased to list those documents again:

There is the Natural Heritage Reference Manual, released in 1999 by the Tories. It's a good document. It's solid. There's the LEAR report, the land evaluation and area review. We also relied on that. That was produced, again, in 2002 by the Tories. There is A Current Assessment of Gross Land Supply in the Greater Golden Horseshoe, released in the winter of 2005. By the way, these are all available online. As well, there is the Growth Outlook for the Greater Golden Horseshoe. That was made available in January 2005. There's The Application of Land Use Intensification Target for the Greater Golden Horseshoe. That was also made available in January 2005. All those documents and others we relied upon are available online.

Mr. Tory: Premier, you stood in this House on May 10, 2000, and said, "I believe in an open government." Let's run down the list: First, your press secretary orders Liberal MPPs not to talk to the media. Secondly, we have directives being issued by the Ministry of Health for civil servants not to talk to opposition MPPs. We have months of delay, sometimes to the point where there's no answer at all, in dealing with the most straightforward freedom of information requests. Finally, in the last couple of days, we have a memo from your children's minister instructing MPPs not to answer questions about autism. Premier, is this what you meant by saying you believed in an open government and that you would operate an open and transparent government? Is that what you meant?

Hon. Mr. McGuinty: I think, at some point, as we have these conversations in this place, it's important to introduce a few facts, and I'm quite pleased to do that once again. This is what our government stands for when it comes to openness and transparency: We are sending more bills to committee than any government ever before. We passed the Fiscal Transparency and Accountability Act. They voted against that. We opened up Hydro One and OPG to freedom of information requests.

They stand against that. We expanded the power of the Provincial Auditor to do something he's been looking to do for years. We said you can and must go into universities, colleges and hospitals. They opposed that. We said we were going to pass, and we have passed, in this House a new law requiring cabinet ministers to be present for at least two-thirds of question period. They opposed that; we are in favour of that. Again, we will put up our record on openness and transparency against their record any day.

NATIONAL CHILD BENEFIT SUPPLEMENT

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. This has been a tough week for Ontario's children. First, you couldn't look autistic children and their parents in the eye when you broke your promise to fund IBI treatment for autistic children aged six and over. Then there was the letter from the Minister of Children's Services telling your MPPs to avoid meeting autistic children and their parents.

Today, you refuse to meet with parents and children who ask you to keep your promise to stop the clawback of the national child benefit supplement for low-income families. During the election, Premier, you said, "The clawback is wrong," and you said you would end it. These parents and children are here today to say hands off their baby bonus. Why are you taking money from the pockets of the lowest-income children and parents in this province?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The member opposite brought up at the outset our record in connection with supports for children who have been diagnosed with autism, and I want to speak to that for a moment.

First of all, I'm proud that we have doubled the budget from \$40 million to \$80 million. Secondly, I'm proud of the fact that we have reduced the waiting list for assessment by 72%. I am proud of the fact that we have increased the number who are receiving treatment by 25%. I'm proud of the fact that when it comes to students diagnosed with autism who are in our schools, we have hired 139 experts who are available to our teachers and educational assistants.

Beyond that, Dr. Rozanski said that what we needed as an injection for support for special education needs in our schools was \$250 million. We said no to that. Instead, we've increased it to \$365 million.

No government has ever done more to help students with special needs in the history of our province.

Mr. Hampton: Well, Premier, I'm sure Madam Justice Kiteley will be really impressed. You presented all of that before her, and she's found clearly that you were discriminating against autistic children.

The fact is that they had to go to court to try to get you to keep your promise, and now you're doing the same thing to these lowest-income children and parents. During the election, you promised to stop the clawback. Now

you are making 164,000 of the lowest-income kids and 91,000 of the lowest-income families in the province go to court to make you keep your promise.

Low-income vulnerable families should be able to spend their money on food and clothing and paying the rent; they shouldn't have to go to court against a Premier who won't keep his promises. So, Premier, why are you wasting taxpayers' money dragging these lowest-income children and parents through the court? Shouldn't they be allowed to use that money for food, clothing and to pay the rent?

Hon. Mr. McGuinty: I am proud to say that for the first time in 11 years, the most vulnerable have seen an increase in their assistance.

Interjection.

The Speaker (Hon. Alvin Curling): The member from Nickel Belt, come to order.

Hon. Mr. McGuinty: I'm also proud to say that, in addition, families with children on social assistance were able to keep the July 2004 national child benefit supplement. This means that this year there will be an extra \$7 million for parents and children who need it most, and next year that number will rise to \$20 million. We're proud of that record.

Mr. Hampton: Premier, during the election, you said that the clawback was wrong. You said, "We will end the clawback." Those are your words. Now, you're forcing these families to go to court to try to force you to keep the promise.

You wouldn't meet with them today. I did. I want to tell you about them.

Lisa is a single mom with children: Dylan and Zoey. She works hard. She volunteers for church suppers. She does a lot of work, but do you know what? She can't always afford to put food on the table because you claw the money back from her. She said that if you would end the clawback, she would have enough money for food. She might even be able to pay for her son to play soccer and maybe take her kids to the movies once in a while.

Premier, tell them why you're taking \$226 a month, every month, from her and her children.

Hon. Mr. McGuinty: I guess the leader of the NDP honestly and sincerely believes that he has a monopoly on compassion and social consciousness when it comes to those who have the privilege of working in this place. I say again—

Interjection.

The Speaker: Order. I don't think the member from Nickel Belt needs to give the response. I'm going to call her to order again.

Hon. Mr. McGuinty: The leader of the NDP might not be prepared to acknowledge this, but the fact is, we have eliminated the clawback on a go-forward basis. That means that there's \$7 million more for parents and children this year and it will grow to \$20 million next year.

Now, that may not be enough for them. They may feel that we should be doing more. But given our financial constraints, given the circumstances we find ourselves in compliments of the previous government, we are proud

that, notwithstanding those constraints, we found \$7 million this year, growing to \$20 million next year.

1440

Mr. Hampton: Premier, this is one shiny dollar, one loonie. One loonie a week: That's how much this family and these kids get to keep after you take 97% of the federal national child benefit supplement from them. You leave them one loonie a week.

Premier, we know who you listen to. Developers pay \$10,000 for a private soiree with you. Your private fixer, Warren Kinsella—lobbyists or interest groups can pay him money and get access. Baby Zoey would have to collect this loonie for 200 years in order to have access to you. Her mother would have to collect this loonie for six months in order to take her kids to the movies.

When are you going to stop your loonie idea, stop the clawback, and allow these children and their mother to keep the money the federal government rightfully gave to them?

Hon. Mr. McGuinty: Again, I think it really is important to introduce a few facts into this conversation. Clawback money in 2002 and 2003 was about \$202.5 million, and members are entitled to ask, "Where's that money going?" Some \$20 million goes to children's mental health services.

Interjections.

Hon. Mr. McGuinty: I know they may not want to listen to this, but \$22 million goes to children's treatment centres; \$120 million goes to the Ontario child care supplement for working families. It's not as if we are somehow taking that money and putting it into a wheelbarrow and wheeling it out the back door. It's going to benefit needy children across the province. So I'm proud that, in addition to being able to provide those supports to those children, we have also found \$7 million this year and \$20 million next year.

Mr. Hampton: I think what this means for the lowest-income families is that Dalton McGuinty is prepared to give them one loonie a week this year and two loonies a week next year.

Premier, this is your promise. This is what you promised. And don't try to say, "We're giving the money to municipalities," or giving it somewhere else, because the following municipalities have all passed resolutions saying that this money should go for the lowest-income parents and their children: London, Toronto, Timmins, Hamilton, Kingston, Windsor, Ottawa, Kenora, Sudbury and York region. They know that you cannot reduce poverty for some by increasing poverty for others. They want you to keep your promise to end the clawback. It's your promise, Premier.

Look these children and their parents in the eye. Tell them why you are breaking your promise to end the clawback, why you continue to take \$226 a month away from them.

Hon. Mr. McGuinty: Again, I'm proud of the fact that we have been able to eliminate the clawback on a go-forward basis. I'm proud of the fact that we found \$7 million this year and \$20 million next year.

And again, people are entitled to know what is happening to that clawback money. It's not going into tax cuts. It's not going into buying a rain forest in South America. We're spending \$120 million for the Ontario child care supplement for working families, \$20 million for children's mental health, \$22 million for our children's treatment centres, and \$40.5 million is going to municipalities, which are also reinvesting this in programs like Healthy Babies, Healthy Children and the Ontario Works child care and Learning, Earning and Parenting program. That money is going into good programs that help needy children across the province.

Mr. Hampton: Municipality after municipality has said they don't want your clawback money. They don't want you clawing back money from the lowest-income parents and children in the province. They want you to keep your promise.

Premier, I'm sending over some postcards. These are "Hands off the baby bonus; hands off the child supplement" postcards. Here's what some of the postcards say:

"These children are tomorrow's future. They cannot learn if they go to school hungry."

Here's one from a 13-year-old boy named Robert: "I am often left out on pizza and milk days at school. Please let us keep the money. It's supposed to be ours." The one loonie a week that you're flipping Robert won't even buy milk and pizza at school.

So I ask you again, Premier: Look at these families. Look at these children that you made the promise to. Tell them why you continue to take \$226 a month from the lowest-income children and families in this province.

Hon. Mr. McGuinty: The leader of the NDP may enjoy bringing families into this place on a regular basis and parading them through. That may be his style, but it's certainly not my style, and I want to make that perfectly clear.

Mr. Hampton: You hypocrite.

Hon. Mr. McGuinty: Again, let me say—

Interjections.

The Speaker: Order. Could we just get the temperature down a little bit?

The leader of the third party made an unparliamentary comment. Would you like to withdraw that?

Mr. Hampton: If I made an unparliamentary remark, I withdraw.

Interjections.

The Speaker: Order. New question.

FISCAL RESPONSIBILITY

Mr. Jim Flaherty (Whitby-Ajax): My question is for the Minister of Finance. In your economic statements—two of them so far—and in your one budget, which is almost a year old now, you talked with some pride of your comprehensive four-year plan for Ontario. It's clear that plan has been abandoned by the Premier and, I assume, by you, given the spending that has gone

on. That's what my question is about: your profligate spending.

You said in your budget a year ago that you would limit spending on average to 1.9%. The exact quote is that "program spending will increase at an average annual rate of 1.9% between 2004-05 and 2007-08." It is your duty, as you know, sir, as Minister of Finance, to keep track of the spending in Ontario. My question then is, what is the current rate of program spending increase in the province of Ontario?

Hon. Greg Sorbara (Minister of Finance): I'm delighted my friend from Whitby-Ajax is re-reading last year's budget, and I invite him to be in the House when we present the budget later on in the spring. He will see that we are building on the plan we established in our first budget. I'm surprised that he hasn't advocated, as his leader is doing and his party is doing, that we eliminate the health care premium and cut \$2.4 billion out of health care. I'm surprised that he's not advocating in his question that we redirect money out of public education and do as he would do and put it in private schools. We're very proud of the plan we've presented, and we continue to pursue that plan diligently and with determination.

Mr. Flaherty: Your plan was at 1.9%; your spending is way over 1.9%. You've abdicated your responsibility as a government to monitor and control spending in Ontario. That's why you can't even answer the question. I don't think you know the answer to the question, spending is so out of control.

Let me ask you about two other things that you said were about better management of provincial assets. This is in your budget, Minister. You might remember it, on page 8. You said you were going to do two reviews. One review "will ensure that in all cases the public interest is promoted," and it will review all assets of the province and report back. Has the review been done? Is it underway? When will it be produced? Will it be made public before the budget so the people of Ontario can have fulfillment of something that you said you would do 11 months ago?

1450

Hon. Mr. Sorbara: The short answer to his question is yes, those reviews are underway, and I will be pleased to report to this Parliament when they are complete.

He talked about abdicating responsibility. I'll tell you what I think about abdication of responsibility. The behaviour of that government, particularly when my friend was the Minister of Finance, cutting into the revenues of this province so that there were no more resources available and at the same time, over the last two and a half years of their mandate, increasing spending at a rate of 21%, which left this province with an almost \$6-billion deficit that we are now charged with the responsibility of cleaning up: That was abdication of responsibility.

Interjections.

The Speaker: Order, member from Whitby-Ajax.

Interjections.

The Speaker: Order. When I ask for order, I would ask members that we have some quiet and not continuous talking.

GASOLINE PRICES

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Premier. Before the election, you and your caucus attacked the former government every time the price of gas went up in the province of Ontario. You called on the government to take action; you asked the government to roll back prices; you asked the government to freeze prices. Your members introduced legislation in this House on numerous occasions to take steps in that direction.

Premier, the price of gas has hit the roof. It's almost a buck a litre in Toronto, and if you live up in Attawapiskat or Peawanuck, you are paying \$2.50 a litre.

Premier, we're going to make it easy for you. We have a bill that I introduced in this House, called Bill 93. It mirrors the bills of Mr. Brown, Mr. Bradley and Mr. Bartolucci, along with Mr. Colle. Will you pass that bill and do what you promised prior to the last election?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Energy would like to speak to this.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): The government is very concerned about high gasoline prices and the effect they're having on Ontario's consumers and on the overall economy. No one likes to pay higher prices for gasoline, including myself.

There are several contributing factors, including high oil prices, high world demand and tight supplies. Prices in Ontario are surveyed twice a week from April 1 to September 30 and weekly during the rest of the year, and my ministry posts this information.

I'll point out that rising gasoline prices are a phenomenon being felt not only throughout the country but throughout the Western world. We continue to monitor it and to be concerned about those prices.

Mr. Bisson: Listen, Minister, you were far more than concerned prior to the last election; your guys were apoplectic. They were jumping all over the place, calling on the Conservative government to freeze gas prices and roll them back. Now you say, "We're concerned, and I, as Minister of Energy, don't like to pay high gas prices." I've got news for you: You've got the limo; you don't have to pay the gas prices.

I'm saying, my friend the Minister of Energy, will you do the right thing and support the bills of your members in the previous Parliament that we have mirrored in our legislation, and move forward with the promises you made in the last election?

Hon. Mr. Duncan: I remind him what he did in a previous Parliament. Does anybody remember which was the last government to raise taxes on gasoline? It was the NDP. Mr. Bisson was there, and he voted for it. Mr. Hampton was there, and he voted for it. Ms. Martel was

there, and she voted for it. Mr. Marchese was there, and he voted for it. Peter Kormos ran out, so maybe he didn't vote for it.

The Speaker (Hon. Alvin Curling): You know that it's proper, if you are going to identify members in the chamber, that you go by their constituency.

IMMIGRANTS' SKILLS

Mr. Khalil Ramal (London–Fanshawe): My question is for the Minister of Training, Colleges and Universities. Today, our government took an important step toward addressing a looming skills shortage by providing a \$37-million investment in apprenticeship training.

I am pleased to see that my local college, Fanshawe, will receive over \$1.5 million to improve their apprenticeship facilities and equipment. However, I believe many of my constituents will be practically interested in investments our government is making in the apprenticeship innovation fund. I understand that this new investment is targeted at providing assistance to internationally trained skilled tradespeople. Minister, could you please tell the House more about this investment?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I'm grateful to the member from London–Fanshawe for that question.

Before I answer his question, I'd just like to comment on something that my friend the member from Trinity–Spadina said earlier on—and he thought I wasn't even listening to him. I know he agrees with everything that we are doing, so I think he's just not up to date when he suggests that some of the announcements that we made last year have not been funded. They are funded, they are on their way, and people love them. So I know that the member from Trinity–Spadina would like to know that, to know they are funded.

On the subject of internationally trained skilled professionals, the idea is to ensure that we are not duplicating what they already have learned. I will follow up in the supplementary.

Mr. Ramal: Thank you, Minister. While we hear a great deal about the need to help internationally trained professionals continue their careers as doctors, engineers, teachers or nurses, we also know that we face a looming shortage of skilled tradespeople.

Minister, today's investment is an important step we are taking to ensure that we have the skilled tradespeople we need down the road. However, I am sure that this is just one piece of the puzzle, of the support our government needs to provide to internationally trained tradespeople. What other services does our government provide to internationally trained tradespeople to help them continue their careers here in Ontario?

Hon. Mrs. Chambers: In addition to the \$5 million for internationally trained skilled tradespeople that I announced this morning, we also have a number of other programs on the way. We have bridge training programs for electricians, industrial electricians, construction and

maintenance electricians, and industrial mechanics and millwrights to help them prepare for their certification exams. We have career maps to help people understand what is required for certification in 10 skilled trades. We also have been engaged in our local colleges in pre-certification courses. We are providing translators or readers or extending writing times for exams of internationally trained skilled tradespeople, and we have programs out of 26 offices around the province for assessing their credentials.

HOSPITAL FUNDING

Mr. Norm Miller (Parry Sound–Muskoka): I have a question for the Premier. Premier, the people in the North Bay area are very concerned about the status of their hospital project. Can you update the Legislature on the status of the North Bay Regional Health Centre project?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): No, I can't. I don't have those specifics in the absence of the Minister of Health, but I undertake to supply my friend with that information.

Mr. Miller: I appreciate that, Premier, and I know the people of North Bay would very much appreciate having a firm date for the start of the project.

In fact, five mayors from the area—the mayor and four retired mayors—had a historic meeting recently. The North Bay Nugget says:

"In what was described as a historic meeting, a group of former mayors stepped out of their private lives Tuesday to fight for a public cause....

"Speaking on behalf of the five mayors, Lawlor"—one of the past mayors—"talked about the importance of the new hospital as he launched a petition calling on the province to immediately approve the project."

Premier, if you're checking into that, could you please also check into the status of the Mattawa hospital project, which is also awaiting approval? I know the people of the Mattawa area would very much like to hear when they might be able to start their project.

Hon. Mr. McGuinty: I undertake to get that information, but let me say this while I have the opportunity: What many people in North Bay are asking themselves is, why is it, when they had a Premier as a representative, they didn't get a hospital built? I think that's a very legitimate question. I can say as well that, unlike the party opposite, the party of which the questioner is a member, a party that intends to take \$2.4 billion out of health care, which will compromise our ability to invest in hospital infrastructure, we won't be doing that. We have different priorities. We believe in investing in health care, not taking money out of health care.

1500

FIRST NATIONS MINING AND FORESTRY REVENUES

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. First Nations across northern Ontario are becoming increasingly frustrated with the limited decision-making they are able to exercise when it comes to the development of natural resources near their First Nation. For example, today, road blockades are going up in the forest surrounding Saugeen and Mishkeegogamang First Nations in northwestern Ontario to protest the lack of involvement these communities have in forest management planning in their traditional areas. They are worried about the encroachment on their traplines and on their traditional way of life. They want to see some co-management of resource development. They want to have some control over when and where logging happens.

In the election campaign, you promised, "We will build a new partnership with Ontario's aboriginal communities. We will ensure increased participation by aboriginal peoples in the decisions that affect their lives." Premier, when is that going to happen? Because it's certainly not happening today at Saugeen and Mishkeegogamang First Nations.

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): I know the Minister of Northern Development and Mines has some details.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): I want to welcome our First Nations partners here today.

Certainly, we are committed to a new dialogue with our First Nations people. We started that new dialogue the day we were elected. It will be a long-term process. When concerns come up that are of mutual interest—and let me stress that these are of mutual interest—it won't be the past where the door was closed on our First Nations people by other, former governments. We are interested in that dialogue. As we speak, the Ministry of Natural Resources people are working with our First Nations people and with the proponent, and we are trying to reach solutions. We will continue to use a dialogue whereby we develop a mutual partnership based on mutual respect and trust, and we will arrive at solutions to our problems.

Mr. Hampton: When I spoke earlier with the chief from Mishkeegogamang, what you just spoke of, Minister, is not happening. In fact, I want to read a letter from your colleague the Minister of Natural Resources to Louie Seymour, who works at the Bimose Tribal Council on behalf of the Kenora area First Nations, who are not opposed to logging; they just want to have some say. This is what the Minister of Natural Resources says:

"Although your participation in forest management planning can assist in protecting First Nation values and identifying opportunities for First Nation communities, these processes have clearly defined mandates. As such, they are unable to address broader issues, such as treaty

and aboriginal rights, co-management of resources and revenue sharing, which fall outside of these respective mandates.”

These are the issues that First Nations want to address, and your government isn't addressing them. That's why these roadblocks are happening. I ask the Premier again: This is the promise you made to First Nations. You said that they were going to have increased involvement in the decisions that affect their lives. When is that going to happen? Because it's not happening now.

Hon. Mr. Bartolucci: First of all, with the specific issue the member brought up, it's my understanding that the regional director in Thunder Bay is scheduled to meet with the chief and the forest licensee in order to try to find a resolution. We have to make sure everyone is aware that this government values the concerns of our First Nations people and wants to take proactive actions to ensure that we reach resolution.

Certainly, with regard to higher-level discussions, it's my understanding that we have scheduled a meeting with our First Nations tomorrow; there will be several ministers at that meeting. But as I say—and want to reinforce, because there are many, many First Nations community leaders in the gallery today—we have had ongoing dialogue. We will continue ongoing dialogue with our First Nations partners because we believe that together we can map out a future that is strong and bright for all concerned.

GROWTH PLANNING

Mr. Kevin Daniel Flynn (Oakville): My question today is to the Minister of Public Infrastructure Renewal. Bill 136, the Places to Grow Act, is currently before the House. I understand you are consulting on a draft growth plan for the greater Golden Horseshoe area. What will that plan mean for my own community of Oakville and my constituents if Bill 136 passes?

Hon. David Caplan (Minister of Public Infrastructure Renewal): If the proposed Places to Grow Act is passed, it will allow the provincial government to develop and implement growth plans right across the province of Ontario. We are currently consulting on having a draft plan developed for the greater Golden Horseshoe because this area is experiencing the greatest growth pressures in the province. The region is currently home to 7.8 million people and is expected to grow by 3.7 million people and approximately 1.8 million jobs by 2031. It is the fastest-growing region of the province and, in fact, one of the fastest-growing in North America.

The greater Golden Horseshoe is the economic engine of the province. It is a critical region that is economically competitive and offers a high quality of life. That's why we need the kind of plan that attracts jobs and investment, protects our valuable natural areas and improves our quality of life by determining where and how growth should be occurring. A growth plan for the greater Golden Horseshoe will help us reduce sprawl, make transit a

viable option and reduce gridlock. I'll add some more in the supplementary.

Mr. Flynn: I understand that, as part of the draft growth plan for the greater Golden Horseshoe, 25 communities in that region are being proposed as urban growth centres, including my own community of Oakville. What does that designation mean to my community and to the 24 others if the proposed Places to Grow Act is passed?

Hon. Mr. Caplan: Urban growth centres are key areas designated to accommodate future growth. Typically, urban growth centres are core metropolitan areas and/or significant economic hubs that serve as destinations of regional focus. They have high or medium densities for residential and employment mixes. Because of these kinds of characteristics, they are ideally positioned to accommodate significant growth in the future. In turn, this growth, supported by appropriate public investment, specifically in infrastructure, will strengthen these characteristics, making the centres more vibrant and transit supportive, and attract even greater investment.

In the case of the member's community of Oakville, we propose, as an urban growth centre, midtown Oakville, currently serving as a regional transit hub by offering GO and Via Rail services, as well as a local transit hub through Oakville's 20-plus bus routes. Additionally, the Queen Elizabeth Way in the south serves as a major transportation corridor. The midtown core offers other significant regional services, including regional municipal—

The Speaker (Hon. Alvin Curling): Thank you. New question.

FABRY DISEASE

Mrs. Elizabeth Witmer (Kitchener-Waterloo): My question is for the Premier. As you know, enzyme replacement therapy for people who have Fabry's disease has been terminated. These people were receiving it under the compassionate use program. This is now creating extreme stress, anxiety and even, in the case of one young man I talked to yesterday, thoughts of suicide because of the termination of funding for this treatment.

In fact, I've received a letter from Donna Strauss, who says, “Please, Mr. McGuinty, try and show the patients in Ontario that you care by at least listening to our cries for help.”

I ask you today, will you at least commit—as you know, Ralph Klein's government has agreed to do this—to bridge funding of ERT for Fabry's patients between today and when a long-term solution is in place?

1510

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know the member opposite is aware that all the provinces and all the territories have come together and said that we will adhere to a common drug review, which is the responsibility of the federal government. As drug companies come forward and

propose that we add additional drugs to the list of those which we publicly support, we think it's important to find out whether they are as efficacious as they hold them out to be. All of us together have decided that the best way to do this is to go through this common drug review, and we await the outcome of that common drug review. I think that's the appropriate thing to do and the responsible thing to do.

Mrs. Witmer: I beg to differ with the Premier. The reality is, both British Columbia and Alberta have now acknowledged that the common drug review program is not the appropriate review program for this particular drug. In fact, as I just pointed out to you, the Alberta government of Ralph Klein has committed to bridge funding between now and the time that a long-term decision is going to be made.

I would hope that you would recognize and that you would support the development, over the long term, of a coordinated national policy on orphan disease and catastrophic drugs. This is something other developed countries in the world have. But until that time, Premier, I ask you again, please listen to the desperate pleas of these individuals and commit to bridge funding between now, when they don't have access to this treatment, and such time as a long-term solution is found. I ask you on behalf of these individuals.

Hon. Mr. McGuinty: I can't for the life of me believe that my colleague, as Minister of Health, would be adopting the position that she is advocating I adopt today. That's not the way she dealt with those issues at that time.

Again, we have a process. It's not an easy one, but I think it's the appropriate one and the responsible thing to do. We have a common drug review. What we need to do is to allow that process to unfold.

I think the appropriate thing would have been for the drug company in question, the pharmaceutical company in question, to continue to fund that drug in the interim. They decided to pull the rug out from under the feet of a very limited number of patients. But it's a very important issue to them; I don't want to minimize that. I think they should have continued to provide that funding in the interim.

What we will do is what we set out to do: We will adhere to this common drug review process so that we get the very best scientific advice.

FIRST NATIONS MINING AND FORESTRY REVENUES

Mr. Gilles Bisson (Timmins-James Bay): My question is to the Premier. We have with us today in the galleries a large number of aboriginal leaders from across Ontario. We have the regional grand chief. We have chiefs from Treaty 9, Treaty 3, Nishnawbe Aski and others.

They're here today because it's the eve of the 100th anniversary of the signing of Treaty 9 on the part of their forefathers, the province of Ontario and the crown. When

we signed that treaty 100 years ago, we said, "If you, the First Nations of Ontario, give us," meaning the government, "access to the resources that are found on your traditional territories, we will share the revenue from those particular activities with the First Nations." Well, we're here 100 years later and, Premier, we have shared nothing. Forestry companies have gotten rich, mining companies have gotten rich, the province of Ontario has excised taxes on those properties and on those particular activities for 100 years, and First Nations have got nothing.

My question to you, Premier, is simply this: Are you prepared now, on the 100th anniversary of the signing of Treaty 9, to live up to your treaty commitments of 100 years ago and go into revenue-sharing with the First Nations communities of Ontario?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Well, during that intervening 100 years, the NDP enjoyed the privilege of serving Ontarians as their government and, mark my words, they did absolutely nothing when it came to sharing prosperity with our First Nations.

There is a very important meeting that is taking place tomorrow. It is a meeting, I would argue, that is without precedent in the history of this province. There will be a number of ministers attending that meeting and for the very first time we are going to engage First Nations in a very serious way about sharing prosperity. That has not been done in a deliberate way such as we plan to do tomorrow, and in the supplementary, I know the Attorney General would like to elaborate on that.

Mr. Bisson: First of all, you're wrong there. There were revenue-sharing agreements between the NDP government and other First Nations. But the issue is this: A hundred years ago, as the province of Ontario, we signed a treaty with our aboriginal friends. We said to them very clearly, "We want access to your forests, we want access to your water rights, we want access to mines across northern Ontario, and if you give us access, we will share those revenues with you so that your communities can prosper."

Well, it's clear everybody else prospered. Everybody has made billions of dollars. The names of the legacies of those people and those companies are 100 miles long. But our First Nations are in desperate conditions, they have not had an opportunity to share, and all we get is that you're prepared to enter into dialogue.

I'll make it simple. I've got a bill in this House, Bill 97. We're prepared to make the amendments necessary to move that bill out of committee. Will you commit to supporting Bill 97 so we can get some real action on this issue?

Hon. Mr. McGuinty: The Attorney General.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I also want to welcome and say hello again to the First Nations leadership that is sitting in the gallery. I very much look forward to our meeting tomorrow. Not just myself, but a number of members of

cabinet are attending that meeting: the Minister of the Environment, the Minister of Energy, the Minister of Children and Youth Services, the Minister of Natural Resources, Minister Phillips will be there, and a number of other ministries. That's because the issue of resource revenue-sharing is an extremely complicated issue. It's not simple, and I know the member understands that it's not simple. It requires a number of ministries to sit down and work together and work with First Nations.

We're very committed to making unprecedented progress on this. Tomorrow is an important day, one of many meetings we have had. I look forward to that meeting. I look forward to moving forward on this very complicated but very serious and important issue that comes down to sharing prosperity with First Nations.

ENVIRONMENTAL LEGISLATION

Mr. Dave Levac (Brant): My question is for the Minister of the Environment. On March 21, 2005, the NDP's environment critic, the member for Toronto-Danforth, in a news release, pointed out that the government "still hasn't called Bill 133 ... for second reading and committee, despite introducing it twice last October."

Minister, could you please explain to the members of this assembly, the people of Ontario and in particular the members of the NDP what your ministry and our government are doing about Bill 133 since it was introduced last October?

Hon. Leona Dombrowsky (Minister of the Environment): I'm very happy to have this opportunity to share with the members of this assembly, the people of Ontario and particularly my colleagues in the third party the work that has been underway by this ministry with regard to Bill 133.

It was introduced in October 2004 and then it was posted on the Environmental Bill of Rights registry for 30 days. That posting ended November 28. Because of the overwhelming response the ministry received to that, we extended the posting, so it provided more opportunity for the public to provide us with their input, and that ended on January 7, 2005. In the meantime, throughout November and December, representatives from my ministry met with many stakeholders—industrial stakeholders, environmental stakeholders and community stakeholders—to gain further input on this very important piece of legislation.

Now I'm very happy to say that the House leader referred this important piece of legislation to a standing committee of this Legislative Assembly.

Mr. Levac: Thank you, Minister. It's obvious that your ministry and you, yourself, plus the government, have been doing some busy engaging with the necessary stakeholders in discussions about Bill 133 since its introduction last October.

Yesterday in this assembly, the leader of the third party and the party's environment critic criticized the government for referring Bill 133 to the standing committee. Yet, in a news release on March 21, 2005, the

critic—again, the member from Toronto-Danforth—said, "The government needs to move forward with this legislation. Let's get it to committee, and make sure it does what it is supposed to do."

Minister, could you explain to the members of this assembly and the people of Ontario the significance of referring this bill to the standing committee and, importantly, would you provide the member from Toronto-Danforth with the hat she's going to eat once we get this bill to its fruition?

Hon. Mrs. Dombrowsky: I really can't quite explain why the member from Toronto-Danforth would ask that the bill go to committee and then yesterday, when it happened, criticize this government for doing just that. Having bills go to committee is a very legitimate part of the legislative process. It is a procedure that has been followed regularly by this government. It happened with Bill 8, the Commitment to the Future of Medicare Act; it happened with Bill 31, the Health Information Protection Act; Bill 100, the Electricity Restructuring Act; and Bill 110, the Mandatory Gunshot Reporting Act. I think it's important to note that those were all very important pieces of legislation brought forward by this government. It went to committee after first reading. We're following through in the same way with Bill 133. We're very anxious and eager to hear what the people of Ontario have to say about this very important bill. Our government is committed to ensuring it's the best possible legislation to protect the environment and the people of Ontario.

1520

TOURISM

Mr. Ted Arnott (Waterloo-Wellington): My question is for the Minister of Tourism and Recreation. As the minister is well aware, and the House is well aware, in 2003 the province's tourism industry was hammered by the impact of a number of factors, most particularly the SARS crisis we faced. As you recall, the Eves government at that time responded with a substantial tourism marketing program that we called the tourism recovery program. The effect of that program was to attempt to expand the tourism marketing budget to bring more tourists to Ontario once again. I'd like the minister, if you would, to comment on the effectiveness of that program and whether or not it will be continued in the coming years.

Hon. James J. Bradley (Minister of Tourism and Recreation): I'm glad the member asked that question. The Chair of Management Board is accusing me of planting the question. Of course, there couldn't be anything further from the truth, because the member is genuinely concerned about this. He and I and others were at the reception of the Tourist Operators of Ontario, where they said this program was a highly effective one. I want to tell the member that it has been effective in terms of tourism recovery. What is good about it is that it brings about partnerships between the private sector and

the public sector. At a time when the province was hit very hard by a number of factors, including the SARS scare, it was instrumental, I believe, in helping the tourism industry to recover.

There are still many challenges facing it out there. I appreciate very much the support of the member for this particular program. I know that the government will be doing its best to continue to provide the kind of support the tourism industry needs and deserves.

Mr. Arnott: I must say that I appreciate the efforts on the part of the tourism industry that the Minister of Tourism and Recreation has put forward. Unfortunately, he didn't indicate whether or not the program would be continued. I would ask him once again: Can he commit that the government will continue this program in future years?

Hon. Mr. Bradley: As the member would be aware, I find it a bit difficult, because my good friend Jim Flaherty, the member for Whitby–Ajax, was up a while ago talking about the fact the government is spending too much money. I was very concerned when I heard that because I know that the member and I feel there are some good and strategic investments that can be made to assist the tourism industry. I hope you're able to convince the member for Whitby–Ajax, who, even though John Tory got the most votes, appears to be the person who actually won, from the questions I'm hearing and the policies of the party. I know this wasn't a question that came from last night's \$1,000-a-person event that the Leader of the Opposition attended, where you could privately speak to him for \$1,000, but I want to tell the member that we will work very hard to ensure this program—

The Speaker (Hon. Alvin Curling): New question.

ALLEGED SEXUAL ABUSE OF MINORS

Mr. Peter Kormos (Niagara Centre): A question to the Attorney General: It was on February 22 that I asked you in this chamber about a full public inquiry into the sexual abuse uncovered by the OPP's Project Truth investigation in Cornwall. It is an inquiry that your government has repeatedly promised but not yet delivered. On that day, you said you would have an announcement in two weeks' time. That was over six weeks ago, Attorney General. Where's the inquiry you promised?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for his question. I'm in constant contact with MPP Brownell on this particular issue. As the member knows, when I was in Cornwall, I met with a number of victims, and they made it very clear that they expected the commissioner would be somebody who had a background in criminal law, who would be bilingual, somebody who had no immediate connection geographically to the area, and also somebody who had a background in it but who of course didn't in any way touch the matters.

I've had significant discussions with all of the chief justices of Ontario. I had a discussion today with a justice and a potential commissioner.

It is a very serious matter and I know the people of Cornwall want to make sure we get this right. We will get this right, we will have this inquiry and we will see that justice is done in Cornwall.

VISITORS

Mr. Norm Miller (Parry Sound–Muskoka): On a point of order, Mr. Speaker: It's my pleasure to introduce the grade 10 civics class from Bracebridge and Muskoka Lakes Secondary School. They're in the gallery over here. Teachers Jennifer McCreary and Heather Medley-Fernandez have brought their class down.

The Speaker (Hon. Alvin Curling): Let me draw your attention, in the public gallery on the west side, to Mr. Brad Clark, former member for Stoney Creek in the 37th Parliament. Let's welcome him.

PETITIONS

OPTOMETRISTS

Mr. John R. Baird (Nepean–Carleton): I have a petition submitted by the Ontario Association of Optometrists which reads as follows:

"Whereas the last funding agreement between the Ministry of Health ... and the Ontario Association of Optometrists expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

Because I'm in full agreement, I am going to sign this petition myself.

CONTROL OF SMOKING

Ms. Andrea Horwath (Hamilton East): I promised I would bring this petition forward from the Royal

Canadian Legion, Branch 58, in Hamilton. The petition is to the Legislative Assembly of Ontario and it reads:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke."

Mr. Kim Craitor (Niagara Falls): I'm pleased to introduce this petition on behalf of the people in my riding of Niagara Falls.

"To the Legislative Assembly of Ontario:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars ... to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke."

I'm pleased to submit this petition.

Mr. Gerry Martiniuk (Cambridge): I have a petition to the Legislative Assembly of Ontario.

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private non-profit clubs such as Legion Halls, Navy Clubs and related facilities as well;

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I agree with this petition and will sign the same.

1530

OPTOMETRISTS

Mr. Bill Mauro (Thunder Bay–Atikokan): I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists (OAO) expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable members of society are able to receive the eye care they need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

CHIROPRACTIC SERVICES

Mr. Jim Flaherty (Whitby–Ajax): "To: Legislative Assembly of Ontario

"Re: Support for chiropractic services in Ontario health insurance plan:

"Whereas,

"Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

"There was no consultation with the public on the decision to delist chiropractic services;

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP

coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province.”

I've signed my name.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly. It reads as follows:

“Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

“Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

“Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools, be it therefore resolved ...

“That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan.”

I thank a group of parents from Erin Mills for having signed this petition. I fully support it. I'll have Alexandre carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Jim Wilson (Simcoe-Grey): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I have affixed my signature to this, and I'm going to give it to legislative page Scott Dickson to take to the table.

ANAPHYLACTIC SHOCK

Mr. Kim Craitor (Niagara Falls): I am pleased to introduce this petition to the Legislative Assembly. It was initially introduced by MPP David Levac.

“Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

“Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

“Therefore be it resolved that we, the undersigned,” request “that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I'm pleased to sign my signature in support of this bill.

GASOLINE PRICES

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by good citizens of Cambridge.

“To the Parliament of Ontario:

“Whereas gasoline prices have increased at alarming rates during the past year; and

“Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

“We, the undersigned, hereby petition the Parliament of Ontario as follows:

“(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

“(2) That the Ontario McGuinty Liberal government and the federal Martin Liberal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

“(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario.”

As I agree with this petition, I sign same.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): “To the Legislative Assembly of Ontario:

“Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

“Whereas this great Canadian's original homestead located in the town of New Tecumseth”—Alliston—“is

deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I want to thank local merchants in Alliston for circulating this petition. Of course, I've signed it and agree with it.

ANAPHYLACTIC SHOCK

Mr. Kim Craitor (Niagara Falls): I am pleased to have found another petition here regarding Bill 3. I didn't know I had it.

"To the Legislative Assembly of Ontario:

"Whereas there are no established province-wide standards to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know what safety standards exist in all schools in Ontario;

"Therefore, be it resolved that we, the undersigned," request "that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

CONTROL OF SMOKING

Mr. Toby Barrett (Haldimand-Norfolk-Brant): These petitions were passed around in the Mad Trappers restaurant in Tillsonburg. I'll just quote in part to save some time:

"Denying smokers the ability to gather in clubs that cater exclusively to them and even to have the option of separately enclosed and ventilated designated smoking rooms is not a measure designed to protect non-smokers, but rather an attempt to remove my freedom to exercise my choice in a way that does not bother others.

"There are fair and reasonable compromises that can be achieved to respect everyone's rights in this matter. As a taxpayer and a voter, I have the right to your respect and to your commitment to provide fair treatment to the minority, of which I am a part.

"As a taxpayer and a voter, I urge you to hold province-wide hearings, listen to the other side of the story and revise Bill 164 to respect smokers and provide fair and balanced legislation."

I signed these petitions in the restaurant and I'll sign them again.

ONTARIO DRUG BENEFIT PROGRAM

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to present a petition from folks in Port Colborne, Ontario. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas during the election campaign the Dalton McGuinty Liberals said they would improve the Ontario drug benefit program, but now are considering delisting drugs and imposing higher user fees; and

"Whereas the Liberal government has increased costs to seniors by taking away the seniors' property tax rebate and increased the price of hydro;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should keep their campaign promise to improve the Ontario drug benefit program and abandon their plan to delist drugs or increase seniors' drug fees."

I'm in support.

1540

ABORTION

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by hundreds of good citizens of Cambridge, directed to the Legislative Assembly of Ontario.

"Whereas 68% of Ontarians do not support the funding of abortion on demand in our province; and

"Whereas 30 million health dollars are spent annually on abortion on demand; and

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury, or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive jurisdiction to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 39,544 abortions in 2000;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to stop provincial funding of abortion on demand in Ontario."

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES OBLIGATIONS FAMILIALES ET L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS

Resuming the debate adjourned on April 4, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / *Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.*

The Speaker (Hon. Alvin Curling): The last time, I understand, Mr. Duguid was on.

Mr. Brad Duguid (Scarborough Centre): I'll only take a couple of minutes, because I did get an opportunity to speak the last time this bill was before the House, which, if I remember, was yesterday afternoon.

This is Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Amendment Act. There's \$1.6 billion in arrears out there, dollars that should be flowing to Ontario families, families generally with single parents. This is money they need to pay their rent to keep them out of family shelters. It's money they need for food to keep them out of our community food banks. It's money they need to pay for clothing for their children, to allow their children to go to school with new shoes and clothes and the kind of things that all our young people in our community deserve and require. This legislation will help collect some of those dollars, will help ensure that some of that \$1.6 billion—and we know not all of it is going to be accessed, because some of it may be completely uncollectible. But some of it that is collectible will start flowing back into the hands of single parents so they can then look after their children appropriately and have the opportunity to ensure that their children can enjoy the benefits of society that all our children deserve.

What this legislation will do is increase enforcement by extending jail term sentences. That will help. It's not going to be the be-all and end-all, but that'll certainly help.

It'll also improve fairness by allowing the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases. Fairness is very important, because if somebody who may be paying in a certain amount of money feels they're being treated unfairly—and quite frankly, they may well be being treated unfairly—there's a greater chance that they're just going to say, "Well,

forget about this. I'm not going to give anything any more." I think that increase in fairness will help with respect to this as well.

It'll also enhance efficiency by expanding the number of organizations from which the FRO can demand information to include places like unions and professional organizations. This will help in terms of their opportunities and abilities to collect and ensure enforcement and ensure payment.

This is something that will help Ontario families and will help single parents to ensure that they get the money that's owed to them. It's something that's a long time coming.

I'm pleased to stand today and support these changes. That's all I have to say for now.

The Speaker: Questions and comments?

Ms. Shelley Martel (Nickel Belt): I didn't hear all of the comments that the member made, but let me respond to his suggestion that, in fact, by letting professional bodies know that someone owes child support, that's somehow going to have somebody cough up some child support. I've got to tell the member, just letting the professional bodies know that one of the members of their association, be it a lawyer or otherwise, is in arrears is not going to produce any money. There is no obligation on the part of that professional organization to do something with respect to the licence of that individual that would force the issue.

So let's be clear. It would be most unfortunate and, frankly, pretty dishonest to try and suggest to recipients out there that the mere change in legislation with respect to this provision, because their ex happens to be a professional, is now somehow going to give them some more money. That's just not going to happen. Frankly, I think it's regrettable that the government would even reference that, because they leave the mistaken impression out there with recipients that as a result of the passage of this bill, if their ex is a professional, somehow they're now going to get some more money. That's just not true.

Other than the mere fact of the government reporting that to the professional organization, there is no onus, no responsibility and no obligation on the professional organization to do anything with respect to that payer to ensure that that payer provides some money to the FRO that can be flowed to his—because it's usually a "he" that's a payer—family and his spouse.

So I regret that the government is even essentially saying anything about this, because the fact of the matter is it's a toothless change. It will do nothing to ensure that people who are professionals will, in fact, have to cough up arrears just by the mere fact of their organization knowing that they have arrears.

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm very pleased to join the debate and support Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act.

This new legislation, which was brought forward by the minister in December 2004, follows eight very long

years of no substantive legislative amendments. I think those of us who sit on the public accounts committee and have the privilege of doing so, had an opportunity to learn firsthand the consequence of eight years of inaction; eight years where resources weren't put toward the Family Responsibility Office, despite very dire comments being brought forward by the Provincial Auditor at the time, who said repeatedly, "We need to see additional resources in this."

I guess the comments could be no better written than quoting what is in the report: "It is the Provincial Auditor's view that unless the office takes aggressive enforcement action, supported by effective case management and significantly improved information technology and communication systems, it is in grave danger of failing to meet its mandated responsibilities."

So unlike the previous government, I'm proud to be part of a government that wants to ensure that the Family Responsibility Office meets its responsibilities. This legislation follows on our government's four-year commitment, a \$40-million budget commitment to implement a new case management system and new technology that will move FRO's enforcement and service capabilities into the 21st century.

As someone who, in my past professional experience, had the opportunity to practise family law, I know how important an effective Family Responsibility Office is in this province for both payers and payees. Our government is very pleased to make sure that we revitalize FRO so that it's able to do the job it was meant to do, and that's putting our money and our mouth and our legislation in support of FRO.

Mr. Jim Flaherty (Whitby-Ajax): I'm pleased to comment briefly on the debate. I listened just a moment ago to the member from Etobicoke-Lakeshore about the record of the previous government. She might want to have a look at the actual facts. I hate to confuse debate with facts in this place, but I will on this occasion, having been responsible for the Family Responsibility Office for some period of time in Ontario where we made a number of very substantial changes, one of the most important ones being the suspension of drivers' permits and giving that power to FRO. It made a huge difference, and I invite members to go back and look at the numbers between—

Interjection.

Mr. Flaherty: Even the minister of infrastructure can learn from this, if he cares to learn the facts.

Between September 1997 and March 2002, we suspended almost 16,000 drivers' licences, which led to the recovery of \$190.1 million in outstanding court-ordered support. That's what it's about. It's about getting money into the hands of the persons who need it. It's not about professional organizations, it's not about house-keeping legislation like this bill; it's about actually accomplishing something, which is recovering the money that's owed to spouses and children. And it's not just women. Often it's women, most of the time it's women,

but it's also men, which happens increasingly in our society.

The FRO, the Family Responsibility Office, collected a record \$555 million in court-ordered support payments during 2001-02. How big an increase was that? A 50% increase from 1994-95, the time of the predecessor NDP government. So this is a remarkable measure of success.

I'm all for these efforts to improve the legislation, although, I must say, this bill is little more than house-keeping.

1550

Mr. Peter Kormos (Niagara Centre): I've listened carefully, and I'll be speaking to the bill myself in approximately 25 or 30 minutes' time. I'm looking forward to it.

I say, "Housekeeping?" It's barely housekeeping. In fact, it's more likely to be but window dressing, because at the end of the day there is very little in this bill that would cause us to believe there is going to be a substantial increase in monies collected as a result of the bill. That's a labour-intensive exercise. We know that.

As the Ombudsman, Clare Lewis, stated over and over again, most recently in his final comments in January 2005, made upon the occasion of his retirement, unless and until there are significant new resources put into the Family Responsibility Office—and I'm going to talk about when Shelley Martel broke into the office back in 1996, the disclosure she made as a result of her break-and-enter into the Family Responsibility Office, what she discovered and, then, how little has changed in the succeeding nine years—unless and until there is significant investment in human resources at this location, we're not going to see substantial increases. I mean, good grief, reporting to a professional organization that one of its members hasn't been paying child support? That will do zip, nothing, zero, nada, zilch to put money into the pocket of mom, in this instance, and her kids, or, in turn, to put food on their table.

It's remarkable how little interest both the last government and this government have had in meaningful reform of the Family Responsibility Office. As well, there has to be something said about the Family Court—the provincial court, family division—and the incredible understaffing of those courts, the increasing understaffing, the utilization of contract employees and the fact that that has a direct relationship on the ability to collect money by the FRO, or any other purpose.

The Acting Speaker (Mr. Michael Prue): The member from Scarborough Centre has two minutes in which to respond.

Mr. Duguid: Thank you to the members from Nickel Belt, Etobicoke-Lakeshore, Whitby-Ajax and Niagara Centre for their comments.

Our plan is to make the Family Responsibility Office work better for Ontario families. Frankly, despite the comments of the member from Whitby-Ajax, when this government took office, there had been virtually no improvements made to the Family Responsibility Office for a number of different years, even though for years the

Ontario Ombudsman, the Information and Privacy Commissioner and the Provincial Auditor had been warning that changes were needed. So finally, we have a government that has come into office that is willing to make those changes.

These proposed amendments are needed to strengthen enforcement, improve fairness and enhance efficiencies at the FRO. The proposed amendments are the first substantive changes to the FRO's legislation since it was proclaimed in 1997.

I know there have been some negative comments from members opposite, but surely they support the provision to provide the Family Responsibility Office with stronger trace-and-locate measures by expanding the number of organizations from which they can demand information, such as trade unions. Surely they support extending the maximum jail term for defaulting parents who fail to pay support from 90 days to 180 days. Surely they support suspending defaulting payers' hunting and sporting licences, something that will affect not all, but some. Surely they support reporting defaulting payers to professional licensing bodies.

These are the kinds of provisions that are not the be-all and end-all but that help ensure we can get a good part of that \$1.6 billion that's outstanding right now, that's owed to Ontario families who need it, as I said, to put food on their table, clothes on the backs of their children and to ensure that they have an appropriate quality of life.

The Acting Speaker: Further debate?

Mr. Jerry J. Ouellette (Oshawa): I very much appreciate the opportunity to speak on Bill 155. As most members know, it does occupy a great deal of time in our offices, and we're glad to have anything take place to rectify that problem. But I have some strong concerns. I'm glad to see the PA here, because there are some comments I hope she will be able to respond to and take back as input on this bill.

First of all, the member from Scarborough Centre spoke about the 180 days of imprisonment and the impact of that. When I spoke with police officers—and many here know that my father was in the policing community for a number of years—I asked about the impact and how they believed that would help. The response that came back was that when you put somebody in jail for 180 days, they don't have the opportunity to make the income in order to pay it back. So what effectively takes place is that the income which that person potentially could have been generating to pay down those arrears is no longer there. How is that going to assist the situation? Effectively, it's going to put them even further in the hole.

As members mentioned during debate the other day, there are individuals who are willing to give up their jobs rather than come forward. I guess in situations like that, no matter what takes place, you won't be able to make any changes there. But putting somebody in jail for 180 days is not effectively going to be a method to assist in retrieving funds. Quite frankly, we're trying to help kids in this particular piece of legislation, and I don't know if that's going to assist kids.

There are about three other areas I wanted to touch on in this particular piece of legislation.

One was the impact of the suspension of moose hunting licences, or hunting licences in general. The member from Scarborough Centre mentioned that there's going to be an increase in enforcement staff. The concern with this is, how is a conservation officer, the primary individual responsible for enforcing the fish and game act, under which comes the fishing and hunting licences, going to be notified that that licence is under suspension? Effectively what takes place is that a conservation officer, or CO, is out in the field and would come upon a person and ask to check their licence. They take the licence out, the CO looks at it, sees the valid date on it and realizes that it's OK, so they proceed. What is going to be the process to see if that hunting or fishing licence is under suspension?

The difference between that and a driver's licence is that in the case of the driver's licence, they will call in, research the number through the central computer and be able to determine if that licence is under suspension. I don't believe they're going to be able to change or modify the computers within the Ministry of Natural Resources in order to accommodate that. When a CO is in the field or in the middle of Lake Nipigon or Lake Ontario or Lake Simcoe or Lake Scugog, how are they going to be able to call in that licence to find out if it's under suspension? I don't think that's going to be a practical plan, although they may be able to inform me about how that could be done effectively with the hunting and fishing licences.

There are some other areas, though, that are very concerning and that I don't think the ministry or the Minister of Natural Resources or the minister responsible for this piece of legislation have looked into in regard to this.

Moose hunting is predominantly a party hunting activity. The legislation says that the licence is under suspension. However, in moose hunting, you are allocated a tag, and the tag is for a bull moose, a cow moose or potentially a calf moose. The difficulty here is that individuals within a party—say there are 10, 12, 15 people hunting—will hunt as a group on that licence or that tag. What happens if an individual is under suspension? Is the tag under suspension or is the licence under suspension in this particular case? There is no clarification in the bill.

In regard to the fish and game act, it's very necessary to clarify that, because a lot of people in the tourism outfitting industry are very dependent on these individuals coming forward and bringing their groups up to party-hunt on a moose tag. So what is taking place here? Is the tag going to be under suspension? In the case of other tags, if an individual gets sick and cannot join the group, they can transfer the tag to another individual in the party. Is that going to be under suspension as well?

As we know, there is a lot of grey area that comes into this legislation, as it has in the past, while they're going through some of the views to find out if the legitimacy of

the claims and the transfer of funds and all those things take place.

1600

What happens during the draw process? What the draw process is: In order to obtain a moose tag, you apply, put your name into a draw and then they go through the entire process of drawing your name out. If you're successful, then you receive a tag and you drop down from pool one to pool two because you've been successful. Does this eliminate individuals from applying in the draw, or does it change where you sit in the pool aspect of the moose draw?

There's going to be quite an impact, and not just on the individual. It's the parties that hunt with that individual who may be affected, and it could be the outfitters who provide the service for these individuals. I know there are a large number of individuals, as I said earlier on, in numbers of 10, 12, 15, who will participate in a party hunt that is dependent on that one tag. Hopefully the PA will be able to come forward and give some specific details about that and about how the enforcement aspect of the licensing is going to take place.

When a conservation officer, a CO, is in the field and checking somebody's moose tag to find out if it's valid, is it the tag, is it the licence, is it the draw that's going to be applied here, and/or is it the entire group that is going to be punished in this specific regard? I don't think they have the answers, but hopefully through the committee process they'll be able to look into that.

There are a couple of other areas I want to speak about. One is called VAPS, the voluntary arrears payment schedule. Hopefully, the member will be able to give us some clear direction on what's going to take place in regard to that. Just so you understand, individuals who may have outstanding accounts—I can use an example of an individual who happens to have about \$2,000 in arrears from about 10 or 15 years ago. They've gone to court, and with the agreement of both parties they've come forward and said they would be agreeable to receiving \$50 a month. This is a VAP, or voluntary arrears payment, schedule. The courts have determined that both parties are in agreement with it.

The difficulty that comes in, and our offices are finding there are a lot of problems with this, is that when a person checks the arrears, those total amounts of arrears are showing on the schedule, but it doesn't show on the computer that a voluntary arrears payment schedule has taken place. Is that going to be taken into consideration to make sure the court's decisions are going to help out there?

If you're going to make some changes to the bill, we have to take other things into consideration as well. As I'm sure you're aware, Mr Speaker, and as a lot of the members here are aware, what happens is that the payments are based on income. However, in a place like Oshawa we have a large number of individuals who work at General Motors—imagine that. Short-notice layoffs take place. All of a sudden, General Motors is laying off

its employees for three weeks at a time. What do you do in a situation where all of a sudden, in one month, three weeks of payments, three weeks of income, are no longer there? How do you pay that? A lot may not know, and the individuals watching may not understand, that to get changes in payment, you have to go through a court process, and that's quite lengthy. So the difficulty is, what do you do in a situation where, in a layoff condition, somebody comes forward and is no longer able to make those payments?

In other cases, there used to be a lot of overtime at General Motors, and the income those individuals paid out in family support was based on the previous year's income. All of a sudden, there's no overtime at General Motors. How do you make changes and account for those short-term changes that may come into place? Hopefully, the PA will be able to give some direction on that.

One of the other key areas I wanted to touch on was non-compliance with court orders. If we're going to make some changes in this legislation, let's see if we can change it so that it's done correctly. What I'm talking about is a very difficult situation. Individuals who have been granted access to their children are sometimes being denied that. It's not all cases; it's some of the rare incidents.

What's happening is that those individuals have gone to pick up the kids for the weekend and the spouse who has control of them is not allowing it. The courts have come in and said, "That child is allowed." The option here now is that we can go to the police and have that person charged, and possibly convicted and sent to jail for non-compliance with a court order, but the end result is that the kids are the ones being punished. The kids are the ones who are not being allowed to go with the other spouse in that situation. The kids are the ones that the spouse who has control in making that determination—they're denying a court order for going ahead and that taking place.

I've read through the legislation, and I don't know if there is anything in there, or through regulations that may be drafted, that specifically lays out how non-compliance with court orders for granted access is included or can be included in this legislation. I didn't see anything in there. There are a great many spouses who want to have access to their kids who are being denied that.

Those were some of the key things I wanted to bring forward in the debate. To briefly go over them, the 180 days: When you speak to police officers, putting somebody in jail for 180 days effectively takes away the opportunity for income.

One of the others I wanted to mention is the driver's licence aspect. I know we had been working on that and hopefully some changes came forward. Individuals who are dependent on a driver's licence for income lose the opportunity, as soon as their driver's licence is suspended, to generate income for themselves so they can make those payments. What takes place is that that individual has the opportunity to go through the courts, and the courts, to our knowledge so far, have reinstated

that driver's licence to allow those payments to continue. The difficulty here is the time process when their licence is suspended and they go to court to get it reinstated to make sure they keep their job so they can keep making their payments. Is anything being addressed on that so the individuals who are dependent on a driver's licence can continue to have income so they can make those payments?

So, the 180 days: the fact that you're putting somebody in—I'm just questioning that.

The moose licence: Is it the licence or the tag? How is the enforcement going to take place?

The volunteer arrears payment schedule: How is that going to take place?

I'm going to share my time with the member for Whitby-Ajax. I appreciate the opportunity to speak today.

Mr. Flaherty: I'm happy to engage briefly in this debate on Bill 155, given that there's not much in the bill. The Family Responsibility Office is a very important area of public responsibility. Many of us have dealt with it at some length and in some detail over the years. At one time, as Attorney General, I was responsible for the Family Responsibility Office, and we had substantial reform in those years.

As I mentioned a little while ago in this place, probably the most important reform, and unpopular sometimes, was the power that was created legislatively to suspend drivers' permits. I can remember well the people at the FRO explaining to me how the threat of suspending a driver's licence was a very effective collection tool, and worked, not so much when you have to take the action of suspending a driver's permit, because it can interfere with a person's ability to earn an income, and this is about money and about getting money into the hands of spouses and children for their support.

In the same way, although this bill purports to increase the possibility of a jail term, and a more lengthy jail term, it is self-defeating when one has to resort to that extreme type of action, because that person then cannot produce income to support the spouse and the children. What did work was the power in the hands of the director of the Family Responsibility Office to suspend drivers' permits. I mentioned earlier the tremendous increase in collections that was effected in 1990, 2000 and 2001, primarily because of that legislative change, but also because of some process enhancements at the FRO.

One of the differences between the other provinces and Ontario, which we know, is case management. Ontario traditionally has not followed a case management system, meaning simply that the responsible person at the FRO would take a file from the beginning and keep continuity on the file. This was commented on years ago, and I do hope that some action has been proceeded with on that, because it has been a success in the province of British Columbia in particular, when they moved to a case management system rather than an ad hoc system.

1610

All of us here serving as MPPs know the situations we get into in our ridings. We hear from constituents who are unhappy. One of the common complaints in dealing with the Family Responsibility Office is, "The person didn't know my file. There was no continuity. There was no follow-up." This is not to cast aspersions or to criticize in any way the people who work at the Family Responsibility Office, because they face difficult challenges every day. I imagine that in the Ontario public service there are few areas of activity where the subject matter is by definition unhappy: matrimonial discord, family breakup, children deserving and needing support, people often in job difficulties and people sometimes on social assistance. These are unhappy circumstances, and we ask the people at the FRO to deal with them day after day in the interests of spouses and children who are entitled to support. I support those who are working hard at the FRO to accomplish this and I think we need to give them the best tools they can have in order to accomplish the goal.

As I say, a process advance would be to move increasingly toward case management and that kind of continuity, so that even when—and this happens—the amount of recovery in terms of dollars is little or none, at least the person who is seeking the recovery—the spouse—on behalf of the children can have the knowledge and satisfaction that someone is following up, knows their case and is moving their case forward.

I see in the bill that one of the things that's touted by the government as being a significant amendment is in section 47 of Bill 155:

"The director may disclose the information set out in section 47.2 to a prescribed entity that is,

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession;" and so on.

I was looking for the next paragraph. Yes, if the director of the FRO tells the Law Society of Upper Canada, the Institute of Chartered Accountants, the engineers in Ontario, the professional organizations, the trade union organizations that are covered by the bill—or so the government says—what are they supposed to do? What happens then? There's nothing in the bill, which is remarkable. I don't know why there would be a statutory duty or a statutory permission to disclose information without anything following on that disclosure.

This leads one to look at this kind of bill as more housekeeping, more, "Well, let's have a bill about the Family Responsibility Office; let's put one before the House," as opposed to something substantive and getting at the goal. And the goal is to recover more monies more efficiently and more quickly for deserving spouses and children.

I say to the government, if they're going to proceed with section 47 of the bill, then they ought to give it some teeth. If they're not going to give it some teeth, then they shouldn't bring it forward, because as has been mentioned earlier this afternoon, it will leave some families,

some spouses, with the impression that there's a remedy there, where there is only permission to inform in the bill.

The bill does little to keep the promise that was made during the election campaign a couple of years ago, and it was quite a dramatic promise: "We will crack down on deadbeat parents and make them pay up." It's kind of an aggressive use of language there by the now Premier of Ontario and his party. If this is a crackdown on anybody, I can't find it in the bill.

I would also suggest to the government, the Premier and people who make statements like this that they, quite frankly, modify their language. Many of these situations—and members know this—are not because there are bad people doing bad things. Sure there are some parents who shirk their responsibilities to their spouses and children, and I think all of us feel that is inappropriate, to put it mildly. We owe obligations to our families. But many of these situations are unfortunate situations: There has been a matrimonial breakup, someone has lost their job, people are in difficulty and they need to get back on their feet and then fulfill their obligations. We certainly want people to fulfill their obligations going forward, particularly their obligations to their children.

This is a challenging area. I regret that the bill does very little to achieve the purpose. It's another one of the bills we have before this House that are of little meaning. There's a whole collection of them: pit bulls and other things like that. Then there are the dangerous bills that are in front of this House about retroactively taking away privacy rights with respect to adoption, and taking away property rights in the province of Ontario—those dangerous bills that are here. This is not one of them. This is just housekeeping.

Mr. Kormos: I'll be pleased to be speaking to this in but 10 minutes' time, give or take. Interesting comments by the member, and I think we should pay them some heed. After all, he was the minister who had responsibility for this operation during some of its most difficult days. Those difficult days haven't ended yet.

I take special note of the futility of reporting somebody to their professional organization—at the end of the day, big deal. I take special note of the enhanced jail sentences. It seems to me that if a jail sentence is going to be a motivator, then a one-week sentence is as much of a motivator as a six-month sentence, which is basically what's being contemplated, because if the debtor is so convinced and entrenched a scofflaw that one week ain't gonna do it, six months isn't either. So all we have is somebody as a guest of Her Majesty in our correctional system to the tune of 120 bucks a day.

I have concerns about that. I also find it interesting that the bill doesn't address the most fundamental issue, and this is a principle in debt collection and accounts receivable. The previous speaker made reference to this, if not directly then obliquely, and that is that the problem cases are the ones where arrears have accumulated and accumulated. There are problems with debtors losing their jobs and not seeking variations in the support order.

There are similarly problems where it's out of sight and out of mind, then all of a sudden they're confronted with a \$10,000 or \$15,000 or \$20,000 tab that there isn't a snowball's chance in Hades of their ever complying with. So there surely has to be some addressing of that issue. I will speak to that when my opportunity arises in a few short minutes.

Ms. Deborah Matthews (London North Centre): I appreciate the opportunity to respond to a couple of issues that were raised by the member from Oshawa. I want to say that I appreciate the constructive nature of your comments. Thank you for that.

I want to talk a little bit about this provision in the legislation to increase the sentence from 90 days to 180 days. I want people to understand that this would be a very last resort. This would be enforced only when every attempt has been made to get payment otherwise. Nobody would be committed to jail because they could not pay; they would be committed to jail because they would not pay.

Interjection: It's a difference.

Ms. Matthews: It's a very big difference. It's an important difference, and I think it's important that people across Ontario understand that this is a lever we would use only in the most extreme circumstances.

Interjection: It's a last resort.

Ms. Matthews: It's a very last resort. All other avenues have been exhausted; repeated attempts have been made to make some sort of arrangements whereby the payer would live up to the responsibilities they have been ordered to do.

We make it clear in this legislation as well that this committal term is not subject to early release. There is no time off for good behaviour; there is no parole. One hundred and eighty days is 180 days. So this is a very big stick, one that would be used very carefully. I think the member from Niagara Centre believes, "Who cares? One week in jail, six months in jail, what difference does it make?" The fact is that for some people, it will make a difference. It is surprising how many people actually do find a way to pay once that threat of jail is being faced squarely in the eye.

1620

Mr. Toby Barrett (Haldimand-Norfolk-Brant): In his presentation, the member from Whitby-Ajax questioned whether this legislation does crack down or have any teeth at all. The member for Oshawa addressed the issues of enforcement under proposed changes to the Fish and Wildlife Conservation Act. For many men and women who hunt and fish—or merely hold a licence; perhaps they don't use it—I question just how much impact this will have on so many people. Is it that big a deal to actually force someone to pay child support? I question whether this carries much weight for an awful lot of people. We've heard presentations on this legislation from members representing rural areas in the last debate. On Monday we heard from out Lanark county, Renfrew county way.

In my view, it falls short by taking this route. Taking away the right to drive we saw as being effective. Most of us drive; certainly most people in rural areas need to drive to get to work or to get into town.

I do raise a concern, and I would hope the government pulls together some statistics: to what extent, by focusing on hunting and fishing licences, does this bias the sanctions against rural residents, residents of northern Ontario, citizens of the province of Ontario who are involved in hunting and fishing? I'm concerned if there are any geographic inequities in this legislation, or inequities directed against those people that take part in hunting and fishing.

Mr. Dave Levac (Brant): The member for Oshawa brings us some challenges that I think need to be reviewed and understood. That's the glory about what you do in debate, to try to bring back-and-forth to improve the legislation. Except on some occasions, what we've heard on the other side is: "This side, Liberal bill: bad. What we've done: good." Rooster taking credit for the sun rising. This is about \$1.2 billion of uncollected support, 230,000 children not getting the money they need to move forward. Should we be looking at different variations of the theme to try to get that money back where it belongs? The answer is a definitive yes. We're providing legislation to do that. Do we need to have this reviewed? Do we need to have this looked at to make sure that we're doing the things that we can be doing? Yes.

The member from Haldimand-Norfolk-Brant brings up an interesting point. He's trying to equate the fact that we've included in this, beyond drivers' licences, another set of licences that are applied for, as being some kind of prejudice. It's about the people who are not paying what they're supposed to be paying. They don't deserve that licence, and that's exactly what the Conservatives did when they decided to institute taking drivers' licences away. If you're not going to be a responsible parent and support the kids, you don't deserve that function. So, what, I get to go out and throw my line out and laugh at the fact that my kids are not getting the money they get? No, you shouldn't. Quite frankly, it will make an impact on some people, because I know that there is passion about people who hunt and fish, and that they would take that as a little reminder that, "You know what? Maybe I'd better start giving the money that I owe."

The reality is that in my riding, we've got people who are doing extraordinary things in order to avoid making that payment. This is about \$1.2 billion to \$1.6 billion not being collected that's deserved by, mostly, women and children. Let's get that money back where it belongs.

The Acting Speaker: The member from Whitby-Ajax has two minutes in which to respond.

Mr. Flaherty: I enjoyed the excited comments of the member for Brant. He needs to be reminded that most people in Ontario actually honour their support obligations to their spouses and children. We all need to be cognizant of that and to give them credit for maintaining their obligations. Now, there are some who try to avoid

their obligations. I dare say this bill will do very little to change that, and I would welcome the minister and parliamentary assistant to come back to this place a year from now and show us how much more money is being collected next year than this year because of Bill 155. I dare say it won't make much of a difference, including the jail item. The member for London North mentioned that. I can recall in my lawyering days—the member for Niagara Centre may have had this experience too—visiting a person who had chosen to go to jail rather than pay. It was a he, and whether he was there for 30 days, 60 days, six years or whatever, he wasn't going to pay. In fact, as I recall, it wasn't his first incarceration as a result of the particular indebtedness.

What seems to be more effective, and it was a step that we took as government, is to impinge on a person's ability to get around and work and so on, and that is to drive a car, legally at least, in Ontario. That was a very effective step and I'm glad that's going to be continued. I hope the government will look more at the process and less at flimsy legislation like this.

What they really need at the Family Responsibility Office is a lot of support, a lot of process, the best equipment, to use case management and to get supported by the government in process. I hope the government will look at that, rather than this kind of housekeeping legislation.

The Acting Speaker: Further debate?

Mr. Kormos: As you know, my colleague the member for Beaches-East York did the leadoff on this and set the tone for the NDP response to this bill.

I know, Speaker, that you won't mind if I laud the member for Beaches-East York, one Michael Prue, for his significant contribution to this debate. Michael Prue, as you know, is a conscientious and incredibly hard-working member who has a strong, strong commitment to families in his community, and indeed to families across the province. I want to tell you how proud I am of Michael Prue in our caucus. I want to tell you how proud the constituents of Michael Prue should be about his representation of them here in this chamber. I want folks watching from Michael Prue's riding of Beaches-East York to know that Michael Prue has served them, and continues to serve them, in an outstanding way.

Michael Prue and I know each other well. Perhaps Michael Prue would be embarrassed by my overly grandiose praise of him, but I think it's warranted. Too often we overlook the opportunity to simply acknowledge the contribution that Michael Prue and perhaps a few others like him bring to this chamber. So, Speaker, I very much appreciate your indulging me in some modest tribute to Michael Prue.

One of the fundamental principles of debt collection is you don't let the arrears accumulate to the point where the debtor doesn't answer the phone, for instance. Talk to anybody. Talk to somebody who works in accounts receivable in a local car dealership, like David Chev Olds down on Niagara Street in Welland, a unionized Chev dealer where I purchase my vehicles and get my repairs

done. They know, they'll tell you, that if you've got a good customer and that customer falls into arrears on a payment, you start making the phone calls right away. You don't wait until the arrears have accumulated and interest starts applying, because then that debtor starts running from you, the debtor stops answering the telephone, the debtor doesn't open the dunning letters any more.

Mr. Flaherty is quite right: The vast majority of support payers in this province pay their support, and that's one of the peculiar things about the Family Responsibility Office, because the largest number of payments through the office are payments which probably don't need the office. Do you understand what I'm saying? They are payments which would be made because of the good faith and the willingness and the ability to pay by the payer, yet undoubtedly they occupy a whole lot of that office's, the FRO's, resources.

1630

We've all had the cases come into our constituency offices. Granted, from time to time men are the recipients of support monies, but for the vast majority of it, we're dealing with women and their kids. We've had cases come into our constituency offices where a woman is owed not \$50 or \$100 in arrears but \$5,000 or \$10,000 or \$15,000 or \$20,000 or \$25,000 in arrears. Quite frankly, at that point it becomes increasingly difficult to ever meaningfully collect those. The system—too little, too late—clicks over into enforcement mode and all heck breaks loose and drivers' licences get suspended. Then the payer, who's a truck driver, comes to your constituency office with the notice of suspension and says, "But how am I supposed to pay my support if my licence has been suspended and that's what I do for a living? I drive a truck"—either locally or long distance. "I can't work any more." The argument could be made, "Well, what were you doing in the last six months or nine months or one year?" The fact is that some of the problem, perhaps more than a little bit of it, has to be attributed to, again, the lack of resources in the Family Responsibility Office.

The word "case management" is the operative word. What we witness at the Family Responsibility Office is still far too few staff and the phenomenon, as we've witnessed in far too many government offices, of contract staff, especially in the Ministry of the Attorney General. You wouldn't believe how many staff working in AG and provincial court offices—and other court offices, for that matter, not just provincial court but Superior Court as well—across the province are still contract. People with 10 and 15 years' experience are contract, and perhaps even higher seniority than that. We're going to address that down the road, not during the course of this debate but during the course of other debates. You've got to have the staff at the FRO that are handling these files, keeping on top of them and intervening promptly and effectively when there's the first default on payment. That's the way you're going to ensure a higher level of performance in terms of payments.

The other problem that you know full well occurs out there, because of the cost of representation in the legal system, is that a payer who has lost his or her job or whose salary has dropped significantly, who becomes unable to make the payments that were assessed based on an earlier, higher income, neglects—again, I concede that, more often than not, or as often as not, it's a simple matter of out of sight, out of mind—to apply for a variation of that support order. Or quite frankly, because they've lost a significant amount of income, they simply can't afford to retain counsel to apply for that variation in support order, and they're ringing up arrears that they wouldn't have rung up had the variation in support been obtained.

Once again, far too far down the road, the alarm bells ring and the flags are raised and all heck breaks loose and somebody's brought before the court and confronted with their \$5,000, \$10,000, \$15,000 arrears. Again, the likelihood of that ever being paid by that particular payer is minimal—modest, on a good day.

I suppose at the end of the day that the jail terms being doubled from 90 days to 180 days—from three months to six months—is six of one and half a dozen of the other because, I repeat again, for the sort of people for whom jail works, one week is sufficient; heck, one day is sufficient.

We've got a great Family Court judge down in Welland, Judge Lloyd Budgell. He's incredibly hard-working; he handles a huge caseload. I'm going to talk about that in just a minute. He's a person for whom the whole community has a great deal of regard. Judge Budgell has often acknowledged that the mere threat of jail has turned an impecunious debtor in the Family Court into an eager payer on relatively short notice. The fact is, for the vast majority of people, the mere threat of going to jail, and one or two or three days in jail, is more than adequate. But for the committed scofflaw, for the payer who hasn't got any intention whatsoever—you can do whatever you want to him. You can send him to jail, as has been said, for a month, two months, six months, but he'll be darned if he—or she—is going to pay. No jail sentence is adequate.

At the end of the day, let's understand what's happening in our jails: huge levels of overcrowding and huge costs to provincial taxpayers. Criminals—people who rob banks and shoot at other people—are getting jail sentences reduced by courts because of the condition in jail. They're getting out early—do you understand what I'm saying?—and the government is saying, "We'll use sentences of up to 180 days to persuade non-payers to pay, and there won't be any statutory remission, any sense of early release."

Look, nobody is expressing any sympathy for the delinquent payer. Nobody is expressing any sympathy whatsoever.

I want to go back to that fundamental proposition that effective case management, an adequate number of staff with a reasonable caseload, is going to do a whole—because I'm convinced you can identify, in relatively

short order, the cases that require relatively little supervision. People at the FRO know this. They know which files. The vast majority of them require very little supervision at all, because you've got high levels of compliance on the part of the payer. You've got people with stable jobs, stable income, stable addresses. These aren't the problems. You can readily identify them and not ignore them but set them aside. But to have an adequate number of staff monitoring the obvious at-risk files is the way to ensure higher and higher rates of compliance. And if you ensure higher rates of compliance and address defaults promptly, quickly, before the amount of default becomes an overwhelming financial burden for the payer, you're not going to be in a position where you have to impose six-month jail sentences. You're not going to be in a position where you have to suspend drivers' licences, never mind hunting licences.

Let's talk for a minute about the referral to:

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession; or

"(c) an entity that is responsible for licensing or registering individuals for occupational purposes."

As has been noted cynically already, this does absolutely nothing—I just don't understand it—to enhance the level of compliance of a non-compliant payer. It does nothing whatsoever. Go ahead, Speaker; call the law society right now and tell them that I owe you 50 bucks, that I haven't paid you in six months. They'll say, "Yeah, so what's your point?" The law society could care less that I owe you 50 bucks and have no intention of paying it—none whatsoever. The law society has no interest whatsoever.

Call the College of Physicians and Surgeons and tell them that your friend the doctor owes you 100 bucks, hasn't paid you and appears to have no intention whatsoever of paying you, and the College of Physicians and Surgeons will say, "Yeah, so what's your point?"

It's meaningless. It has no relevance whatsoever. It is of no value whatsoever to either effecting compliance or enforcing outstanding debt—none whatsoever. People who tell you it does don't know what's going on in these organizations and have no interest other than—look, here we've got a bill because the government says—because this has been the pattern. I've watched it ever since Shelley Martel broke into that FRO office back in 1996.

Hon. Jim Watson (Minister of Consumer and Business Services): You were there.

Mr. Kormos: Shelley Martel broke into that office in 1996. I saw the videotape. And she's lucky she never went to jail, I'll tell you that.

I remember, going all the way back to 1996, when Shelley Martel broke into that office up in North York. The problem then was the elimination of nine regional offices and the creation of a mega-office, and then month after month after month of not just delay but outright stalling in getting that office up and running. While the stalling was taking place, those cardboard

bankers boxes were accumulating in the hallways, piling up, overflowing. Shelley told me what she saw: boxes bursting and files spilled all over the ground, phones not connected, computers not connected, and no staff. And of course, every week that the FRO is non-functional, more cases are flowing into the system.

1640

The backlog that was generated was huge. The manner of distributing cases became wackier and wackier as the caseload became higher and higher and as the reliance increased on temps, part-time staff and contract staff, rather than people experienced with the system and with some longevity in the system.

The issue came down to keeping a control on the files coming in—again, identifying the at-risk files or the already delinquent files and then being able to proceed effectively and sufficiently soon enough on defaulting files so that you could address them before the arrears accumulated to huge, huge amounts.

You know one of the complaints you get in your constituency office: it's the creditor spouse who says, "I haven't received support in X number of months. I called the FRO telling them that, along with my former spouse's, the payer's, address and his or her driver's licence number, and they still haven't suspended the driver's licence." How many constituency office complaints have you had in that regard? You've got to get on the phone or get your staff on the phone to your liaison person in the Family Responsibility Office, and you say, "What's going on?"

Again, the mere threat of suspension of a driver's licence is enough to bring most people to the counter, and then the de facto suspension, with all the implications—your insurance is no longer any good; it's effectively cancelled—does the rest, but for the hard-core scofflaws. So the problem, again, is not the absence of enforcement tools; it's the absence of the staff and resources necessary to make these tools work. But this bill doesn't introduce the concept of suspending drivers' licences.

I heard the comments of the former Minister of Natural Resources. The FRO now, in its current state, is incapable of effectively and promptly suspending drivers' licences when they're defaults. How the heck are they then going to cope with hunting licences and fishing licences, which are even less directly connected, in my view, to the owners of those particular licences?

Reporting people to the professional body: What an incredible diversion of the scarce resources available, when it has no impact whatsoever, no effect whatsoever, on collecting arrears or enforcing compliance. So why are we having the staff do this? This is a make-nice.

As I say, from 1996 onward, Ombudsmen in this province have been calling upon the government to clean up the Family Responsibility Office and governments say, "Well, we'll bring a bill with more enforcement tools." That's what has happened. It has become the knee-jerk reaction: "Let's introduce a bill with more enforcement tools." The last government did it. Now we see this government doing it too.

The fact is that there are all sorts of enforcement tools that aren't being utilized now because there isn't a sufficient level of staffing there. You know it, because you've got people coming into your office saying, "The payer has been in arrears for six months. I called the FRO five months ago. They still haven't suspended his or her licence." Or, do you know the other one that's good? "I called the FRO and told them where he or she works and gave them the address, the phone number, and the name of the payroll clerk—still nothing."

It's not because the staff up there are lazy or indifferent. There aren't enough of them—end of story. Not only are there not enough of them, but there isn't a sufficiently effective streaming of compliant cases from the non-compliant cases. Adding silliness, like making somebody report them to the law society, is simply making those staff, already overworked and understaffed and underresourced, do tasks that have nothing to do with effecting compliance but maybe look good for the purpose of the public and governments' ongoing disability—since the Tories disbanded the regional offices back almost 10 years ago now—inability or unwillingness to respond to the issue.

New Democrats aren't enthusiastic about the bill. New Democrats insist, I tell you, that some far more fundamental issues should be addressed. A succession of new enforcement tools have proved irrelevant because we don't have the staff to make them work.

What's as bad as the woman or man who is the creditor coming into your office saying, "I haven't had support in six months and I called FRO and told them where the payer works, the payroll master's name, etc. etc.," is the payer who comes into your office with his or her former spouse—you've got them both coming into your office, they barely speak to each other but they're both acknowledging that the deduction has been made from his cheque. He's got the payroll stub to prove it, but the money hasn't flowed to the payee. Again, there seems to be that big black hole up at the FRO where a whole lot of these payments just disappear.

It's a fundamental problem with levels of staffing, with the inadequate level of organization and with resources. It has nothing to do with lack of enforcement tools. For the government to present this bill and try to create that impression is not the most straightforward addressing of the issue that one can conceive of.

The Acting Speaker: Questions and comments?

Mr. John Wilkinson (Perth-Middlesex): I rise in support of Bill 155 and the minister and her parliamentary assistant, who are doing a wonderful job of shepherding this bill through.

I just had a chance to listen to the member from Niagara Centre, and I find it quite interesting. I believe that we agree on what has happened historically with regard to family responsibility. I agree with him that as members we are inundated with single parents who are living a life of poverty because their former spouse refuses or is allowed to get away with the fact that they don't pay their court-ordered support payments. This

costs all of us, the taxpayers, hundreds of millions of dollars, but that really isn't the real price. It means for those children that they live in a world where they don't have the opportunities that should be afforded to them because there is someone, an adult, who refuses to live up to their responsibilities.

What this bill does—and I think the NDP will support us on this—is it addresses that fundamental question of sending a signal to those people that we cannot afford and refuse to afford to pay the costs as a society for those who don't live up to their responsibilities. Beyond that, we say to those children, who do not have a voice here, that we must act.

But the point I want to make is that the member from Niagara Centre feels that somehow this is some type of a fluff bill and that it doesn't have any teeth to it. I would remind him that if we're going to get the best efficiency out of our staff, who are overworked and buried in paper, we have to have a case management system that works. The case management system is a boondoggle created by the previous government that never worked. That's why we've committed \$40 million over the four years of our mandate to finally get that case management system, and then we'll be able to focus on the question of enforcement.

Mr. Barrett: The member for Niagara Centre, in addressing Bill 155, talked about the proposed increase in jail time. I chatted with one of my staff persons. She does a lot of the many, many FRO cases that regrettably do end up in our office. She indicated that in the last five years she was not aware of anybody serving a jail sentence for default. It leads me to wonder, does it really matter whether it's a 90-day term or an 80-day term or two years less a day or a weekend? If many people, as it seems to be in our area, aren't getting the jail times, I'm not sure why there would be any emphasis put on increasing the length of the jail time. As the member from Niagara Centre indicated, the threat of any kind of jail time has encouraged people to pony up what they owe.

I spent a number of years going in and out of Burch Correctional Centre, doing anti-drinking-and-driving lectures and discussions. It's a two-year-less-a-day facility. People there indicated to me that all it would have taken—when you go in and out of a place like that and talk to inmates, you are exposed to a lot of cons, and I don't think they were conning me—was just one weekend in that place and they would have changed their behaviour. So I throw that out just as some of my experience over many years talking to inmates at Burch.

1650

Ms. Martel: Let me reinforce what my colleague had to say. We've been here before; it's like déjà vu. I'm looking at press releases by the then Attorney General, October 2, 1996, Charles Harnick: "Harnick creates Family Responsibility Office to crack down on defaulting parents," and, "Tougher enforcement measures." Ten of them are listed, and, my God, the ministry and the government of the day are going to get tough on

defaulting parents, and the money's going to roll in to recipients and their families.

I've got to tell you that in the most recent report of the Provincial Auditor, when you look at the Family Responsibility Office—he would have reported on that in the fall of 2003—the unhappy reality was that, despite the 10 new enforcement measures that were implemented by the then government in 1997, arrears were at the highest level in the history of the office. There was over \$1.2 billion owed to recipients and their families in Ontario, despite all the new measures, despite the hoopla and the fanfare and all the Conservative government members who got up at the time—Mr. Kormos would remember this—and promised people that, once these new tools were implemented, things were going to be so much better.

I've got to say to the government members: The only way things are going to get better at the FRO is when the office has the staff in place who are in a position to implement the enforcement tools. Those have to be permanent staff. The only way things are going to get better is when there's a new computer system at the FRO that those staff can actually use to track enforcement and to have enforcement mechanisms. I hate to tell all of you, but that's not going to happen until some time after 2006—maybe—under your government's schedule. So what are families to do until then? Promising them positive change now without those other things in place is a false promise, and it's not honest.

Mr. Tony C. Wong (Markham): I want to speak to Bill 155 with respect to the comments of the member from Niagara Centre. There's no question that we certainly need the staff necessary to do the enforcement, but it is really beyond me why enforcement would not be important. I've said this before. Especially for folks who do not know our legal system enough, and especially those who are not conversant with English, it would be extremely difficult for them, after they've gotten a court order, to go back to the court again to seek enforcement. That is why I think enforcement is of the essence, and this bill certainly increases the enforcement tools that would be available to the FRO.

The member from Niagara Centre spoke about the law society. As a member of that society, I don't know if there is any solicitor or non-solicitor who has been jailed as a result of non-payment, but I certainly think that if this is something that would be hanging over their heads, then any decent solicitor—I assume that most of the members are—would pay due attention to that. There have been solicitors who have been disciplined for conduct unbecoming. There is certainly a big impact and strong effect when the society is contacted.

It is really also for the FRO to obtain information—not to affect or influence the law society with respect to discipline, but to obtain information about the member in that sense.

Finally, I want to comment on the new case management system. As a former practising solicitor, I know how important it is to really comply with those dates, be-

cause whenever I get a case dismissed or not dealt with, it is a pain to get it reinstated.

The Acting Speaker: The member has two minutes in which to respond.

Mr. Kormos: Well, here we go. Like Ms. Martel, the member from Nickel Belt, says, déjà vu all over again. We've heard this over and over again. And then we heard the Ombudsman over and over again say, "Yes, but—"

Back to 1996, when Ms. Martel broke into that operation up in North York and came back with the videotape, it's been a recurrent—not dream, but nightmare of the government somehow thinking, "If we introduce more enforcement." Look at how pale and mushy they are starting to get: doubling the jail time for a defaulter from 90 to 180 days. Do you know what? The fact is that, in theory—and we don't have any data about how many sentences have been served—even before this amendment they can still do 180 days, because the judge whacks them for 90 for not paying, they go back to court and get another kick at the can, they don't pay and the judge whacks them for another 90 and then another 90. So doubling the jail time—the government trying to somehow create the impression that this is going to enhance enforcement—is phony. It's phony-baloney stuff.

Again, reporting to the professional organization:

"(a) a professional or occupational organization;

"(b) the governing body of a self-governing or regulated profession; or

"(c) an entity that is responsible for licensing...."

Reporting? Big deal. So what? It does nothing. It's window dressing. It's fluff. It's phony-baloney stuff. The core issue is the adequacy of staff, the adequacy of their computer systems, the adequacy of the caseload—that is, ensuring that staff don't have an inappropriate caseload—the appropriate streaming of compliant from non-compliant. That's the solution, not this sort of stuff.

The Acting Speaker: Further debate?

Ms. Matthews: I think it's important that we understand why this legislation has been introduced. It has been introduced and it's important because it will help us do a better job of making sure that parents fulfill their financial obligations to their children; it's as simple as that. At its foundation is the principle that the first responsibility a parent has is to their child, regardless of whether or not that child lives with the parent. A parent's responsibility to a child does not end—indeed, it is not even diminished—when the relationship between the parents of that child is over.

What this legislation does is help us enforce that responsibility when a parent decides that their financial responsibility to their child is not a priority for them, when they fail to live up to a court-ordered support arrangement. This legislation will not fix all the problems in the Family Responsibility Office—that it would be so easy. That office has—well, I'll talk about it in a minute. There is a tremendous amount of work to do to bring that office up to the point where we as a government fulfill our responsibility to the children.

People watching this on television might not understand what the Family Responsibility Office is. I frankly did not know what it was until I got here. It has the mandate to facilitate the payment of support to families and children when families break down. In fact, every court-ordered support order in Ontario goes through the Family Responsibility Office. People have the right to opt out of that, but unless they opt out, the support from the payer to the family goes through the Family Responsibility Office.

If you think about it in that context and you think about all the families in this province in which there is an arrangement of support, it's a tremendously enormous challenge administratively, especially given the emotional context in which these payments are made.

1700

This legislation will permit the people who work to provide support to ensure that support is received by the children. It will make their job easier. It will not make their job easy, but it will give them some tools that they need to do their job better. Countless families and children across Ontario will finally get the support to which they are entitled, in part because of this legislation and in part because of the changes that are being made in the Family Responsibility Office. As we debate this issue, we must remember that children across Ontario are counting on us to do our job. We have an enormous responsibility to do this job right.

When we began this debate on Monday, the minister spoke of the incredible mess that we inherited: the boxes and boxes of unanswered and unopened mail, the phone lines that were busy 90% of the time, so that 90% of the time, when somebody called in, they got a busy signal. We all in this House have heard stories about people taking a day off work—day after day away from work—so they could sit on the phone and press redial, hoping to get through to the Family Responsibility Office. I am actually a bit amused by the members opposite who tell us what a great job they would have done. Well, they had their chance and they totally ignored this very important obligation. The Provincial Auditor, year after year, with increasing frustration, chronicled the shortcomings of this office.

When we took office, a top priority was to clean up the mess that was left behind. There is no better example of the failure of the previous government to fulfill their responsibility to the children of Ontario than the manner in which they neglected the Family Responsibility Office.

This legislation, then, is part of an overall strategy to make sure that parents fulfill their responsibility to their children. It focuses on three major priorities. It strengthens enforcement to encourage compliance. It improves our ability to trace and locate defaulting parents—if you can't find them, they won't be paying—and it allows for streamlining of procedures to allow for a smoother, simpler administration.

I would like to take this opportunity to highlight some of the major provisions of this bill. It helps us find the

people who are not supporting their children and families by expanding the information that the FRO can demand from a payer to include information such as their telephone number, their fax number and their e-mail addresses. Currently, because this information is not and cannot be collected, our ability to find people is hampered. It also requires payers and recipients to inform the FRO of a change in their telephone number. Currently, that's not required.

It expands the organizations from which the FRO can demand information to include trade unions and professional organizations. Again, we need to find the defaulters and we need help to do it. It also establishes a 10-day deadline to respond to a request for information to let us get on with the job of finding people in a timely manner.

A second priority of this bill is to streamline the process. One way that this would allow us to streamline the process is to allow some discretion to enforce a lesser amount of support when the number of children entitled under a child support guideline order decreases. It does not change the court order—that still must be done in the court process—but it does allow for some interim discretion in certain cases until the court order is changed. I think all of us are familiar with cases where one child has reached the age where the payer is no longer required to pay support but the court order still reads that they are, and a fight ensues. This allows us to just deal with it and get the court order in time.

It also allows the government to create standard support order terms by regulation so that time, money and energy are not wasted clarifying the meaning of court orders. For example, some support orders say that support will be paid until the child is finished school. Well, there is a lot of interpretation in that. Is that full-time school? Is it high school? Is it post-secondary? What if it's an apprenticeship? What if somebody decides to do a master's degree? We need to have clearer support orders so that we don't waste time and energy resolving those issues.

It also requires that deposits be made electronically through direct deposit. It encourages that payments be remitted electronically—a change that would substantially reduce the amount of paperwork and let us do our job better.

Finally, a part of this bill that is receiving a lot of attention is the measures that strengthen our ability to enforce. That is important. This absolutely strengthens enforcement. One of the ways we are doing it through this legislation, if it is passed, is that the process to obtain a financial statement from a third party and the default hearing is simplified. Currently, it's very difficult to track down hidden or sheltered assets. Some people go through the process of having a friend or a relative take control of their assets, so it looks like they don't have any money to pay but, in fact, they do. We know they do. The family knows they do. But it's very difficult to prove it. So we simplify the process so that people will not be able to hide their assets in the way that they currently can.

The jail term has received a lot of attention here. Again, I suspect this won't be used too often, but it is important that we have that tool in our arsenal to encourage compliance, because this is all about getting the money to the kids. It's about kids having enough money so they can go to camp in the summertime, participate in their community, and have a place to live and food to eat.

I've referred to the fact that this clarifies the notion that a committal term under the act is not subject to early release provisions. The term must be served in full or until the arrangements are made to comply with the order. Jail time would be absolutely a last resort. It also provides a new power to report defaulting payers to professional occupational licensing bodies. The member from Niagara Centre doesn't think that's useful, but the Law Society of Upper Canada has expressed interest in exploring the ramifications. Lawyers have an obligation to obey the laws, and if they're not obeying the laws, the law society wants to know. They pride themselves on the high ethical standards in their community. What those organizations do with the information is up to them, but I can tell you it is yet another tool that will be helpful in some cases.

My time is up. There is so much more I would like to say, but I look forward to the rest of the debate.

The Acting Speaker: Questions and comments?

Ms. Martel: Let me just say a couple of things to the member in reply. I think it is fluff to say in the legislation that we are going to advise the professional bodies that someone is in arrears. There is absolutely no obligation in the legislation for the professional organization to take any action when they know one of their members is in arrears. So making that promise and giving recipients the impression that somehow when their ex is reported to his professional body—the law society, for example—something is going to happen and they are going to get some money is really a false promise to make. I wish the government wouldn't do that. That's just not fair to those recipients who really do need money and don't need a provision in this law which is going to do nothing—zero, nothing—to actually get them some cash.

Let me say to the member, for what it's worth—she can take my advice or she can leave it—that if I were her, I wouldn't be making too many promises to too many people that this legislation is going to dramatically change their lives or give them the money that they are entitled to. Don't get yourself caught in the position of doing that. I will tell you why. Because when the ministry was before the public accounts committee in February 2004 and we were reviewing the Provincial Auditor's report of 2003, which clearly showed that arrears were at the highest level, clearly showed we need a new computer system, clearly showed we needed a case management system, the ministry very clearly said at that time that until there was a new computer system in place and until a case management system could be implemented with that new computer system, the FRO was not going to be in a position to really get at the matter of inadequate enforcement—they were not. Maybe we'll get

a new computer system in 2006. I hope we do. I suspect it will be delayed. Because those things won't come to pass until the new computer system is in place, don't make promises to people about how this bill is going to change their lives, because in reality it isn't until those things are in place at the office.

1710

Ms. Caroline Di Cocco (Sarnia-Lambton): I'm pleased to respond to the members in regard to this bill. It's a long time coming that we deal with this office, the Family Responsibility Office, in a substantive way, and there are a number of areas we have to deal with.

One is legislatively, so that we can have better enforcement, so that we can improve fairness and enhance efficiency. That's the reason this bill is being brought forward. The whole notion that this is going to change people's lives on a broad scale is, for me, not a question because this bill is going to improve the way the office works long term. These are incremental steps that have to be taken with an office that for years has been plagued with many issues, and this is one that we're dealing with. I would suggest that we can bring in all kinds of reasons why we should be doing this here and that there and that there, but we're doing something very tangible to improve this office, to improve enforcement. Is it going to be perfect? Probably not. But you know what? It's going to improve it, that's the intent, and it's going to enhance efficiency.

As we bring the new computers on line, when they come on-line, we are moving in that direction, we are moving to better case management. We are trying to strengthen the way this office does business, so that for the people who use it, the service that's provided is good service.

Mrs. Julia Munro (York North): To add to some of the comments that have already been made, I think it's really important to recognize the limitations of this bill, because while there have been comments made regarding substantive change, when I look at some of the changes, as a member of the previous government, I see it simply adding to the initiatives that the previous government did.

For instance, when you look at increasing prison time, the issue is that if you are in a position to contemplate not having paid to the point where prison is a likelihood, I'm not sure that the difference between 90 and 180 days is suddenly going to make a huge difference on the part of the individual who is facing jail time. I don't think that additional time is suddenly going to make this person have a totally different view about the responsibilities the individual has with regard to back payment.

The same argument can be held in terms of going after fishing and hunting licences. I recall when, as a member of the previous government, we introduced the driving licence suspension. I remember the calls that came because people really didn't believe that was going to happen. When that reality set in, it did make a difference to people, but when you add something that is essentially not as important as a driving licence, I'm not sure it's going to have the desired effect.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I wish to add a few remarks to the statements made by the member from London North Centre. I think what she's trying to bring forward and to state quite clearly is that we are making some substantive changes to legislation that has been around since 1996. There have been a lot of changes that have happened in technology, a lot of changes that have happened in the way the world works from 1996 until this day here in 2005. If you're going to properly run an office like the Family Responsibility Office, you're going to have to have the tools available at your disposal, and the government is trying to bring in tools that will allow it to fulfill and do the right things so that those who are required to make payments, make those payments.

Also, there is a balancing side to it. Other changes are intended to improve the methods used to locate defaulting payers. Changes are made to streamline enforcement procedures so that you're not caught in a lot of red tape. There is also a fairness element here which allows the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases, which is something the member mentioned. I think that's very important to put in there.

What we're looking for here is efficiency. Oftentimes, I remember listening to the Conservatives when they were in office saying that they were going to run an efficient government and streamline things. We're doing it, and we're doing it in a quiet way and we're doing it in an effective way and we're doing it in a way that will work, and that's why I support Bill 155 in front of us today.

The Acting Speaker: The member has two minutes in which to respond.

Ms. Matthews: I would like to thank the members for Nickel Belt, Sarnia-Lambton, York North and Scarborough Southwest for their comments on this legislation and on my comments earlier.

Let's be clear about this: This legislation is no panacea. Passing this law will not clean up the mess at the Family Responsibility Office. But what it does do is provide tools that will be very, very useful to clean up the mess. It is part of a plan. The member for Nickel Belt talked about the case management, about the computer program. She's absolutely right. There are lots of other changes that need to happen in that office. This will not fix those kinds of administrative issues. Trust me, we are very focused on those issues. However, I think it's important that members not look to one piece, whether a hunting license is going to have an effect. For some people, it'll have no effect at all. For other people, it may just be the tool that gets their attention.

There are measures in this legislation that do streamline the process and enhance efficiency, but it's all about getting money from parents, who have a responsibility to support their kids, to the kids who deserve that, who are entitled to that. So this legislation moves us in the right direction. There is a limit to what

legislation can do on this issue, and this legislation does take the steps, the tools we think we need to improve compliance to get the money where it needs to go.

Mr. Ted Arnott (Waterloo-Wellington): It is a real pleasure to have an opportunity to speak to this important piece of legislation, Bill 155, this afternoon in the Ontario Legislature. It's exciting to see such a crowded House here to hear my comments. I'm looking forward to offering my best advice to the government on this important issue.

This issue goes back probably 15 or 17 years. I think it was the Liberal government of the day that initially brought forward legislation to establish—I think it was called the support and custody office, if I'm not mistaken; we called it SCOE in those days. It was set up as a mechanism to ensure that court orders would be honoured, that individuals who had been ordered to make payments to their families, who had become separated from them, would make those payments. I thought in principle that it was probably necessary, because I was aware at that time that there were huge numbers of families who were not receiving the money that in most cases the so-called deadbeat dad had been ordered by the court to pay and the payments were not forthcoming, and so the children were losing out.

I think all of us in this House would have a sense of concern and empathy about those kinds of situations and would think that the government needs to, in some cases, step in and do something about this.

1720

I recall quite vividly a conversation I had with my esteemed former colleague the Honourable Charlie Harnick, who served with distinction as the Attorney General in our first government, from 1995 to 1999. Charlie and I had served in opposition for five years and I had gotten to know him quite well. I would hope that he would consider me a friend; I certainly consider him to be a friend. We were having a conversation in the east lobby around 1995 or 1996, after we had formed the government. I was on the telephone talking to my riding office, and my assistants were telling me about a number of Family Responsibility Office concerns that were being brought to their attention. Of course, all of us as MPPs know that this is one of the most significant issues that come into our offices in terms of the frequency of people calling us, asking us to intervene and help.

I was becoming quite exasperated by the number of calls coming in, and Charlie happened to be right there. I talked to him and I said, "You know, Charlie, we've got to do something about this issue. This is just continuing to mushroom in terms of the number of cases that are coming into my office. What can we do?"

We talked about it a bit. I said, "Why don't you consider pulling their drivers' licences if they don't pay?" He said, "Well, we can look at that, but we're also looking at what we might be able to do if a so-called deadbeat dad has a professional association. We could maybe try to use their professional association as some

kind of leverage to encourage them to make their payments.”

I said, “Well, in my riding, most of these individuals are not members of a professional association, so it would have a limited impact on most of the people who are being affected by this problem in my riding office. But you would sure get their attention if you took away their driver’s licence for a period of time, and I would submit to you that that is something that ought to be done.”

I say this not because I’m trying to take credit or say it was my idea, because I’m sure others were promoting the idea or suggesting it, but certainly I feel that I was doing what I could as a government MPP to encourage the responsible minister—in those days it came out under the responsibility of the Attorney General—to identify the problem and try to take steps toward solving it. I would encourage other government members to do the same thing as these issues come forward when they have an opportunity to speak to the ministers they work with.

Incidentally, I’m told that since we did bring in the enforcement mechanism whereby the government would be empowered to remove people’s drivers’ licences, we had great success in terms of the recovery of outstanding court-ordered support payments. In fact, between September 1997 and March 2002, which is, of course, almost a five-year period, the latter stage of the Progressive Conservative government, we suspended almost 16,000 drivers’ licences, which they believed at the time led to the recovery of some \$190.1 million. Obviously, that had a direct, substantial impact in encouraging some of these outstanding payments to be made.

I’m also told that the Family Responsibility Office collected a record \$555 million, almost a billion dollars—more than a billion dollars, rather—in court-ordered support payments during 2001-02, which was a 50% increase since 1994-95, which, of course, was the year before we took office, when approximately \$368 million in court-ordered support payments were collected.

So I think you would have to say from that information that whatever the government was doing at that time was having an impact. Certainly the Liberal Party would suggest that perhaps we didn’t do enough, and perhaps we could have done more. But at the same time, I think any fair-minded individual would have to concede that there was a substantial improvement in the amount of money that was being turned over to those families that needed it.

I want to highlight for a moment the promise that was made during the election campaign by the Liberal caucus. As we know, for the last number of months there have been a number of promises that the Liberal Party made during the election campaign and the lead-up to it that have been broken. It has become a fairly frequent and constant refrain that the opposition party is drawing to the attention of the government some of the promises that were made and have since been broken. Unfortunately

for the government, they have a very large credibility problem right now. I know that many of the government members, who are not really wanting to look up at me at the moment, are well aware of this, because they hear it in their ridings, and they are quite concerned about whether or not the government is going to be able to regain its credibility going forward for the next couple of years.

But the Liberals promised in their election campaign, in their document called *Growing Strong Communities*, their Liberal platform document leading up to the election, “We will crack down on deadbeat parents and make them pay up. Withholding family support payments is a serious crime. It makes the lives of single parents even tougher, and it hurts our kids. We will not watch children suffer while deadbeat parents shirk their responsibilities.... We will use innovative new techniques, such as Internet tracking, to find deadbeats and recover the money they owe. We will pursue aggressive enforcement measures such as suspending drivers’ licences for anyone missing two or more support payments.”

So I think it is fair for the opposition parties, our party included, to hold this particular Bill 155 up to scrutiny and compare it to the commitment that was made at the time of the last provincial election. Clearly, as I understand it, our government was already taking steps in some cases to suspend drivers’ licences, so the Liberals were talking about carrying on the policy that we had already initiated. They talked about Internet tracking. I’m not sure whether this bill has any reference to Internet tracking or not. I look forward to hearing more on that issue, if the government is prepared to divulge it.

The other thing that this bill does is to say to hunters and people who want to go fishing that if you don’t make the support payments you owe, that a court has ordered you to pay, you could lose your hunter’s licence or your fishing licence. I would have to question how effective that is going to be. If you’re a deadbeat dad and you don’t care enough about your family or your children to make the payments that they need, that you’ve been ordered by a court to pay, I’m not sure you’re going to care that much whether or not you have a hunting licence or a fishing licence. I think you may want to go hunting and fishing without a licence, perhaps, if you are a hunter or a fisherman. I really don’t think it’s going to have as much impact, certainly, as drivers’ licences. Yet this is what is held up today by the government as an important initiative, an important innovation that will lead to a strengthening of the enforcement tools.

The other big thing that the government is quite proud about in terms of this bill is that they’re expanding the maximum period of imprisonment from 90 days to 180 days. As we’ve listened to this debate, we’ve heard a number of anecdotes being put forward by members of the Legislature who have actually talked to some of these guys who in some cases apparently are willing and prepared to go to jail for indefinite periods of time because they’re so stubborn and absolutely refuse to

make the payments. I find this almost unbelievable, but it has come up from a number of members who have actually met some of these people. If that is the case, I think you have to question whether or not an expanded maximum period of imprisonment will have any impact on some of these individuals who are not making their payments.

Another important provision of the bill that the government is quite proud of, I gather, is the fact that "Information about default may be disclosed to entities such as professional organizations or licensing authorities." Again, I would go back to the story I told the House a few minutes ago about my conversation with Charles Harnick. This is something he was considering way back in 1996. I can only surmise by the very fact that it wasn't brought into effect at that time that it was concluded by our government that this would not make a significant impact in terms of getting some of these individuals to pay what they had promised they would pay.

In conclusion, I would have to say that I would be supportive of any meaningful steps that the government would take to ensure that children are receiving the financial assistance they need, to ensure that deadbeat parents who have been ordered by a court to make payments to support particularly their children—if we can enhance our ability to ensure that those payments are being made through undertakings on the part of the provincial government, those initiatives would have my support. However, I would have to say that the proposals that are being brought forward in Bill 155 are modest at best and probably won't have as meaningful or as significant an impact as the government would suggest. Certainly, I look forward to hearing the other members who want to participate in this debate, but I will have to suggest that this bill will have such a modest impact as to have an effect that will be almost negligible.

1730

The Acting Speaker: Questions and comments?

Ms. Martel: Let me say with respect to the comments made by the member from Waterloo–Wellington, he raised the name of Charles Harnick, and I'm compelled to respond, because if anyone left a legacy in terms of the disaster at the FRO, it was Charles Harnick. I don't say that to slight you, because I like you. I do; I like the member very much. But honest to goodness, what Charles Harnick did at the FRO was—I can barely speak.

I heard one of the Tory members say yesterday that I broke into the FRO illegally. He used the word "illegal." You know what? There we were in the fall of 1996, and our office was being flooded—flooded—by calls, primarily from women and kids who regularly got their cheques and who all of a sudden weren't getting any cheques, and knew that the payers had made the payments, because the payers had told them so on the telephone. Charles Harnick stood here day after day and said that centralization up at Downsview was great, there was no problem, people were getting their cheques, everything was hunky-dory.

So Mr. Kormos and I went up to the office in Downsview. It was hard to enter illegally; there wasn't even a door there. The place was under construction. There was a big piece of plastic in what used to be the door. We went upstairs. There were boxes of files from Ottawa there, boxes of files from Sudbury and from Hamilton. There were computers all over the place. There were phones all over the place. It was complete chaos.

Complete chaos: That's the legacy of Charles Harnick. Shutting down all the regional offices, centralizing in Downsview and laying off 85% of the FRO staff in one afternoon in 1996 as a cost-cutting measure on behalf of the Conservative government. The place never recovered. It never did.

I just have to tell you that Charles Harnick has a lot to answer for when it comes to what went on at the FRO. It was a huge mistake to centralize the operation; it was a huge mistake to lay off 85% of the staff in one afternoon. The place never recovered from that change.

Mr. Mario Sergio (York West): Just a few comments on this important bill and on the comments from the member from Waterloo–Wellington, as well as Ms. Martel from the Nickel Belt riding.

Yes, indeed, I had to chuckle when the member from Niagara Centre and the member from Nickel Belt broke in—legally or illegally—and found the mess. I think this is the reason why we need to pass this piece of legislation, because it is something that has been in existence for a long time. The unfairness and the inequities have been going on for a heck of a long time.

Let me remind the members of the House that this piece of legislation does not end here. It's going to move on, and hopefully, once we approve so-called second reading, we are giving the chance, a possibility, to all the other stakeholders out there, including the members of the opposition, to make it even better.

But it's not a modest improvement, as the member from Waterloo–Wellington has said. If it is such a modest improvement, then it is, my goodness, something better than what we have now. Don't we owe something better to those people who are entitled to it, especially the children and their mothers or fathers, as the case may be? We keep forgetting that they are entitled to all the benefits they can get of what the government has to offer. They are entitled to receive and enjoy those benefits as any other family, mother, father or child. It's up to us to move on, approve second reading and then bring it back hopefully even much better.

Mr. Gerry Martiniuk (Cambridge): I must take this opportunity to thank the member for Waterloo–Wellington for his excellent presentation. I must also take this opportunity to say a few nice words about the much-maligned Charles Harnick. I happened to be his parliamentary assistant when Charles was the Attorney General. The man was a gentleman, and he brought forth a number of improvements to the act, which did permit greater enforcement; in particular, the suspension of drivers' licences, which has been most effective.

I sit in my office at times, like we all do, I guess, and listen to the sad stories of individuals coming into the office. I have one right now—of course we're not talking about names—where the upstanding spouse has taken off for Norway. What does one do other than suspend their passport? I have another where a professional has left the country and is in the States working as a professional, earning a great deal of money. In both cases, they're abandoning their children. I honestly do not understand these people. I'm sure we all feel that way.

Unfortunately, I frankly don't see this bill improving things. For instance, they've extended the penalty or imprisonment time for non-compliance. Quite frankly, I've only been in this House for 10 years and dealt with the FRO for that 10 years, and I have yet to see anyone in my jurisdiction go to jail. If the provision isn't used in the first place, extending the time is mere fluff and is not going to assist these poor spouses, along with their children, in supporting themselves.

Mr. Norm Miller (Parry Sound-Muskoka): It's my pleasure to join in and add a few comments today on the comments by the member from Waterloo-Wellington on Bill 155, to do with the Family Responsibility Office.

Actually, I just got off the phone—a half hour conversation with a constituent, who of course will remain nameless and whose case will remain nameless. The only point I'd like to make is that sometimes these changes we make don't really accomplish their goal. In this particular case, the person lost their driver's licence, which caused them to lose their job, which now, seven years after the fact, has caused them to be in a large hole, owing a substantial amount of money. Really, the laws that were in place didn't accomplish anything. Now we have a new law that will—this person, who has already lost their job, is on welfare and is unable to make any support payments whatsoever, will lose their fishing licence as well and perhaps instead of 90 days in jail will have 180 days in jail. The point I'd like to make is that you can't get blood from a stone. Sometimes we have to have laws that actually accomplish something.

There are certainly two sides to every story, and we have to realize that as we make laws in this place. Having just spent half an hour on the phone with a real live person who is having a very difficult situation, I certainly saw the other side of that story.

The Acting Speaker: The member from Waterloo-Wellington now has two minutes in which to respond.

Mr. Arnott: I appreciate the comments of all the members who spoke in response to my presentation this afternoon: the member for Nickel Belt, the member for York West, the member for Cambridge and the member for Parry Sound-Muskoka.

To the member for Nickel Belt, thank you very much for your expressions of affection. I would extend them back to you as well, and to all members of the House. The member for Nickel Belt has a very important day coming up on Friday. I want to wish her a happy birthday and all the very best in that regard.

The member for York West, who unfortunately has had to step out, made a significant and interesting contribution.

I want to thank the member for Cambridge for his kind remarks. I think the fact that he served as parliamentary assistant to the Attorney General at that time brought forward an interesting perspective that enlightened the House on this issue.

I want to thank the member for Parry Sound-Muskoka for coming out of the lobby after having been on the phone for a significant period of time. His willingness to spend half an hour on the telephone talking about these kinds of issues certainly demonstrates his interest in his constituents.

Clearly, we have a job to do as a Legislature, and the government has to provide leadership on this issue, to bring forward solutions to this issue, this problem, this challenge that we all face.

Again, I would urge the government to consider what more it may be able to do to take meaningful and substantial steps to ensure that particularly the children who are in need of financial support receive the support that they need. I would look forward to the government taking greater action and greater steps in that regard in the coming months.

1740

The Acting Speaker: Further debate?

Ms. Martel: It's a pleasure for me to participate in this debate. I feel like I've been here before. Indeed I have, because I had the opportunity to speak on the last set of enforcement measures that were introduced by a previous government. That debate took place on December 3, 1996. At the outset, I want to caution members again from the Liberal Party about how far down the road they want to go in telling their constituents that these changes are going to result in significant improvements and in their getting the arrears that they are owed or having easier access to the support payments that they are owed.

I say that because that's exactly what a former Attorney General by the name of Charles Harnick promised when he brought in Bill 82, which were the Conservatives' amendments to set up the family responsibility act and then to bring in a number of enforcement tools. That's exactly what he and his colleagues promised members at the time, and I remember the debate that went on. The end result of those enforcement mechanisms was a whole lot different from what the Attorney General, and indeed his colleagues, promised at the time. I'm going to go through some of that.

So I say to members here, as a political party, we supported Bill 82. There was no reason not to. We're going to support these changes. But I have to tell you that we would very much be doing a disservice to our constituents if we were to say to them that these changes are going to result in any significant—frankly, any—improvement to the circumstances they are currently facing if they are unable to get their support payments. I really believe, as I look at the enforcement measures that have

come forward in Bill 155, that there's not a single one of them that's going to make a difference in having a payer pay up and getting money into the hands of a recipient and his or her family. I say that right off the top.

Let me tell you what one Charles Harnick had to say when he brought in Bill 82. This was the second reading debate that started on December 3, 1996, and the then Attorney General said about Bill 82: "The new enforcement measures in Bill 82 are among the toughest and most stringent of any jurisdiction in North America. They close the loopholes that in the past have let defaulting parents avoid meeting their support obligations. These new measures make it clear that defaulting on support payments is no longer acceptable in Ontario and that it will not be tolerated. We are introducing 10 tough tools."

I heard the word "tools" a couple of times here today. I think the same bureaucrats who wrote Harnick's speech were in here writing for Ms. Pupatello as well.

"They will close the loopholes and help get money flowing to women and children, money that they rightfully deserve and that they are legally entitled to receive."

Of course they are. So the government of the day introduced measures that included: driver's licence suspension; reporting of defaulting parents to the credit bureau; third-party enforcement—I'm going to get back to this one; obtaining financial statements and making orders against persons who help support payers avoid enforcement by sheltering their assets. That appeared in Bill 82. It appears here again. It must have worked really well. It worked so well that we have to reintroduce it here in Bill 155 as an enforcement tool; garnishment of joint bank accounts: 50% of any funds in a joint bank account held with the payer will be seized for the payment of support arrears.

The fifth tool was expansion of the definition of "income sources." This allowed an expansion to include commissions, advances, lump-sum payments. Tool number six: better tracing and locating of defaulting payers, better methods to trace and track and locate defaulting parents, registration of support orders under the Personal Property Security Act, private sector partnerships—this was to enter with the private sector to collect outstanding support payments. I can tell you, that was a blow-out, because the private sector didn't do much of anything to collect arrears. They took the ones they could cream off the top that would be the easy ones, and left all the hard ones to the FRO. So nothing really changed with respect to the private sector being involved in the collection of arrears. The last two amendments were to the Creditors' Relief Act, so that all support arrears have a priority over all other judgment creditors.

Those were the changes brought in by a former government to the Family Responsibility Act, allegedly to get more money to recipients and their families who were owed that money. Let me say what the net result was of those 10 new enforcement tools that were going to make such a difference in the lives of support recipients and their children.

Here is the auditor's report, the 2003 annual report. Looking at the Family Responsibility Office again, I want to read into the record the conclusion he reached some several years after the new enforcement mechanisms were put in place by the former government. Here's what the auditor said:

"As was the case at the time of our last audit, in 1999, we concluded that the Family Responsibility Office did not have satisfactory systems and procedures in place for initiating contact and taking appropriate and timely enforcement action where payers were in arrears on their family-support obligations. In fact, it is our view that, unless the office takes aggressive enforcement action, supported by effective case management and significantly improved information technology and communications systems, it is in grave danger of failing to meet its mandated responsibilities. We found that the office's services were impaired, and we had the following concerns:

"Unlike most other provinces, which use a process of individual case management, Ontario does not assign each case to an individual caseworker. Therefore, no one individual has responsibility for or is held accountable for the administration of most cases. In addition, although we were advised that in practice the office has assigned cases with outstanding arrears greater than \$50,000 to caseworkers since 2001, approximately 1,500 such cases, with arrears totalling \$126.7 million, were not assigned at the time of our audit in November 2002 and were therefore not actively monitored or enforced."

"Since 1994, the number of caseworkers has declined by 20%, whereas the number of cases has increased from 126,000 to 180,600. As a result, the average number of cases per caseworker has steadily increased. For example, the number of cases with outstanding work items assigned to senior caseworkers now ranges from 600 to more than 1,300, averaging 890 per caseworker." No wonder it's falling apart. "By comparison, the average caseloads in Quebec and Alberta were 400 and 335, respectively. The office has not established criteria or standards for determining a manageable workload. This may well have been a key factor as to why, since 1994, arrears have increased by \$600 million and cases with amounts in arrears have increased by 40,000.

"The office's practice of commencing enforcement action only after being notified by recipients of non-payment resulted in unreasonable delays in enforcement. On average, seven months elapsed between the time support fell into arrears and the time the office initiated the first enforcement action."

"More than half the cases in arrears we reviewed had inordinately long gaps, often as long as two years, between enforcement actions.

"Staff efforts to enforce support obligations and to provide responsive services continue to be significantly hampered by the office's inability to develop and implement the necessary improvements to the computer system."

We had the Ministry of Community and Social Services before the public accounts committee in Feb-

ruary 2004 to take a look at this report. They were called on behalf of the NDP. We asked ministry staff about the new measures the Minister of Community and Social Services had announced in February, about the changes that were going to take place. "We're going to move forward to a case management system. We're going to get a new computer system. We're going to make the changes that ensure the office can meet its obligations and get support into the hands of people who need it."

The end result of that rather lengthy hearing is important in light of the bill the government brings forward today. The important point was that the deputy minister and the other staff who were there made it abundantly clear that, unless and until there was a new computer system at the FRO, the office could not move to a case management system, which has been repeatedly recommended by the FRO, something the Conservatives changed when they were in government. Unless there was a new computer system, the office couldn't move to a case management system, and therefore wouldn't be in a very good position to enforce the mechanisms that were already in place at the FRO and that weren't being utilized to get money into the hands of those who needed it.

When we asked when we might expect the new computer system to be up and running, the ministry told us, optimistically, some time in 2004.

1750

I've been on the public accounts committee for a number of years now. I can tell you that every year the auditor focuses on a ministry that's had a problem with a computer system and every year that problem has involved lengthy delays in getting the computer system up and running and significant cost overruns to the government as a result. The problem with Andersen/Accenture and the new computer system at the Ministry of Community and Social Services is a classic in that regard. So I think the ministry is being extremely optimistic when they say that they anticipate a new computer system for the FRO would be up and running by 2006. I'd be very surprised. I'd be happily surprised, but very surprised. I'd be very surprised if we don't experience significant cost overruns as well.

The point I'm making is that the very significant enforcement mechanisms which came in in 1996 with Bill 82 could not work because the Family Responsibility Office had neither the staff nor the computer technology to make them work. There was neither the staff nor the computer system in place to effectively utilize the tools that the staff had at their disposal to ensure that money got where it was supposed to be.

That will be exactly the same scenario once Bill 155 is passed. The mechanisms the minister has brought forward will not be able to be utilized as tools by the staff because right now there aren't enough staff at the Family Responsibility Office to make those tools work, and there isn't a computer system at the Family Responsibility Office now that uses a case management system that's essential to having good use of enforcement tools. There isn't a computer system that doesn't crash three days of

the week and make the job of FRO staff that much more difficult.

So we're going to pass this bill and the government members are going to go out and tell their constituents, "My God, these improved tools are going to get some money into your hands." Do you know what? They're going to find out very quickly that's not going to happen, that nothing is going to change. I regret to say that, but it's true because I've been here, I've seen what already happened, and I can tell you the same thing is going to happen again. It's not the enforcement tools that are going to make a difference, it's the staff to use them and it's the computer system to make sure those enforcement tools can be tracked; so that when you send a request for a driver's licence to be suspended it gets suspended; to make sure that when you contact the feds and you ask for a passport to be revoked it gets revoked—

Mr. Kormos: The right one gets revoked.

Ms. Martel: The right one gets revoked.

You need the computer system in place to make sure that when you ask the feds to put a garnishment on people's income tax, if they are getting some back, that gets put in place and that the recipient gets the income tax back, not the payer.

Unless and until you have a computer system in place that can do that, all the enforcement tools in the world aren't going to make a bit of difference to recipients and their families who need to get, who deserve to get, and who are legally entitled to support payments in the province of Ontario. That's the reality.

So to promise constituents that passage of Bill 155 is going to result in improvements and enforcement and in their getting their money is a false promise to make. The government would be warned not to do that.

Let me just look at the enforcement tools the government wants to put forward. Frankly, over and above the problem with the computer and the staff, and if you don't have that you can't put the tools into place, I don't think the tools the government brings forward are going to make one whit of difference anyway, I really don't. I regret to say that.

I look at the changes the government wants to make. Increase the maximum jail time for failure to comply with court orders from 90 days to 180 days: Do you know what? I'm waiting to see how many people have actually gone to jail for 90 days, never mind 180 days. I want somebody from the government to come forward and tell us how many times the FRO has managed to have someone put in jail because they didn't make his or her payments. I'll bet you the answer is zero. So this is a meaningless tool because I don't think it has ever gone into effect to date anyway. When they're in jail they can't make support payments, so I'm thinking about how effective a tool this is to get people to pay if it has never been implemented and if once you are in jail you don't have to pay anyway. I don't think that's going to take us anywhere.

Make it easier for the FRO to obtain a financial statement from a third party who is financially linked to a

default payer: This was a provision in Bill 82, for goodness' sake. This is nothing new. This is a provision that was brought forward by the former Attorney General—

Mr. Kormos: Former former.

Ms. Martel: Former former—more than one. That's right, a couple of ones ago. Here's the change that he made. This goes back to the debate on December 3, 1996, again. Tool number seven: "Sheltering of income and assets with third parties by defaulting payers is a huge problem in the plan's effectiveness in enforcing support orders. Sections 41 and 45 of the bill close the loopholes that have helped defaulting payers to avoid fulfilling their support obligations."

If the loopholes had been closed, we wouldn't be here today talking about third parties again, and talking about the ongoing ability that third parties have had since Bill 82 was passed to actually hide their assets in somebody else's name. The enforcement tool was already in place. It's obviously not working. To bring it back today and to portray it as some new enforcement tool, well, that's dishonest. Don't tell people this is going to be a big change. It was already in the law. It didn't work then; it's probably not going to work now. Maybe it's not working because the staff haven't had the time to really enforce it, or maybe the computer system hasn't helped them enforce it. But the reality is, there have been mechanisms to deal with third parties. They haven't worked, and I'm not sure they're going to work now.

Let's look at some other changes. Increase the FRO's power to demand personal information about payers in order to locate them: Do you know how many recipients come into my office? They have every single bit of information about the payer: where he lives, where he works, bank accounts, RRSPs. They've got everything, right? They give it to the FRO and the FRO still can't get a support deduction notice on the employer. It is not a question of getting more information. The FRO has the information, given to them by recipients. The problem is, they don't have enough staff to get it on to a system and they don't have enough staff to get some of these things enforced. So it's not a question of getting more information; it's a question of having enough staff and a computer system to deal effectively with the information they already have. That's not going to make a change.

Expand the number of organizations from which the FRO can demand information to include trade unions: So what? So what if you go to the Steelworkers Local 6500 in Sudbury and say, "Tell us how many of your members have support obligations"? So what? What is that going to do? It's going to do nothing, in the same way that saying we're going to report defaulting payers to professional licensing bodies does nothing.

Hon. Mr. Watson: On a point of order, Mr Speaker: I'm sorry to interrupt the honourable member, but I was just informed that it is David Oraziatti's birthday, one of our colleagues.

The Acting Speaker: That is not a point of order. Please continue.

Ms. Martel: The problem is that it's going to do zip, nada, nothing to report defaulting payers to the professional licensing bodies, because those professional licensing bodies aren't going to be taking away the licences of those professionals to do their work or to practise. So what a silly, silly provision to put in the law, because absolutely nothing is going to happen when that notification goes to the professional bodies—nothing.

Suspend defaulting payers' hunting and fishing licences: Please. So what? The computer system doesn't work now; do you think they're actually going to be able to track that? Hardly.

Mr. Kormos: If suspending their driver's licence doesn't work—

Ms. Martel: Suspending their driver's licence didn't really work because the arrears in 2003 were \$1.2 billion, the highest ever. Do you think that's going to make a big difference? Please.

I look at some of the changes and I say to myself, "Please. Been here, done that." It's like déjà vu. We went through this argument in 1996. We went through this with Bill 82. And Bill 82 was so effective that in 2003 the highest level of arrears was in place. I can tell you, nothing is going to change because there isn't a new computer system at the FRO. If it's up and running by 2006, I will be surprised—extremely surprised. If there is a case management system in place by then, and the staff to truly have an effective case management system, I'd be surprised as well.

There is one final point I want to make. There was an expression of interest about this computer system. We took a look to see which companies might be interested in getting in on the FRO computer system. One of those people, at the top of the list, who expressed an interest was none other than Accenture/Andersen. Do you remember those thieves? There is no nice way to describe them—thieves. They were the subject of four Provincial Auditor's reports—four—because of the money that they had scammed from the province of Ontario: Their staff were being paid two, three, four times more than comparable ministry staff; the project wasn't completed on time; they got money for work that they never did. It's an appalling situation. They are first on the list to be interested in the FRO. That's why I asked the minister on December 15, 2004, if she could guarantee that Accenture is not going to be anywhere near the new FRO computer system. The Minister of ComSoc couldn't guarantee that. The same Madam Papatello, who had so many negative things to say about Accenture and Andersen Consulting before, couldn't guarantee this House that Andersen Consulting, Accenture, won't be within 10 miles of this new computer system.

Folks, do yourself a favour. Make sure these guys never, never, never get near the FRO computer system.

The Acting Speaker: It now being one minute past 6 o'clock, this House stands adjourned until 10 o'clock tomorrow morning.

The House adjourned at 1801.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
Speaker / Président: Hon. / L'hon. Alvin Curling
Clerk / Greffier: Claude L. DesRosiers
Deputy Clerk / Sous-greffière: Deborah Deller
Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative Prue, Michael (ND)	Hamilton West / Hamilton-Ouest	Marsales, Judy (L)
Beaches-East York / Beaches-York-Est		Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		
Burlington	Jackson, Cameron (PC)	Kitchener Centre / Kitchener-Centre	Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint Wynne, Kathleen O. (L)	Leeds-Grenville	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest		London North Centre / London-Centre-Nord	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London-Fanshawe	Ramal, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	Markham	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)		Fonseca, Peter (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative Cansfield, Donna H. (L)	Mississauga East / Mississauga-Est	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre		Mississauga South / Mississauga-Sud	
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Nepean-Carleton	Baird, John R. (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Guelph-Wellington	Sandals, Liz (L)	Niagara Falls	Craiton, Kim (L)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nickel Belt	Martel, Shelley (ND)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Nipissing	Smith, Monique M. (L)
Halton	Chudleigh, Ted (PC)	Northumberland	Rinaldi, Lou (L)
		Oak Ridges	Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins–Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Wednesday 6 April 2005

MEMBERS' STATEMENTS

Tartan Day	
Mr. Miller	5991
Huguette Burroughs	
Mr. Brownell	5991
Municipal restructuring	
Mr. Hudak	5991
Affordable housing	
Mr. Prue	5992
Hemodialysis	
Ms. Wynne	5992
Autism treatment	
Mr. Klees	5992
St. John's Rehabilitation Hospital	
Mr. Zimmer	5993
Addiction services	
Mr. Craitor	5993
Municipal finances	
Mr. Crozier	5993

STATEMENTS BY THE MINISTRY AND RESPONSES

Apprenticeship training	
Mrs. Chambers	5994
Mrs. Witmer	5994
Mr. Marchese	5995

ORAL QUESTIONS

Freedom of information	
Mr. Tory	5997
Mr. McGuinty	5997
National child benefit supplement	
Mr. Hampton	5998
Mr. McGuinty	5998
Fiscal responsibility	
Mr. Flaherty	6000
Mr. Sorbara	6000
Gasoline prices	
Mr. Bisson	6001
Mr. Duncan	6001
Immigrants' skills	
Mr. Ramal	6001
Mrs. Chambers	6001
Hospital funding	
Mr. Miller	6002
Mr. McGuinty	6002
First Nations mining and forestry revenues	
Mr. Hampton	6002
Mr. Bartolucci	6002
Mr. Bisson	6004
Mr. McGuinty	6004
Mr. Bryant	6004

Growth planning

Mr. Flynn	6003
Mr. Caplan	6003

Fabry disease

Mrs. Witmer	6003
Mr. McGuinty	6003

Environmental legislation

Mr. Levac	6005
Mrs. Dombrowsky	6005

Tourism

Mr. Arnott	6005
Mr. Bradley	6005

Alleged sexual abuse of minors

Mr. Kormos	6006
Mr. Bryant	6006

PETITIONS

Optometrists

Mr. Baird	6006
Mr. Mauro	6007

Control of smoking

Ms. Horwath	6006
Mr. Craitor	6007
Mr. Martiniuk	6007
Mr. Barrett	6009

Chiropractic services

Mr. Flaherty	6007
--------------------	------

Anaphylactic shock

Mr. Delaney	6008
Mr. Craitor	6008, 6009

Regional centres for the developmentally disabled

Mr. Wilson	6008
------------------	------

Gasoline prices

Mr. Martiniuk	6008
---------------------	------

Frederick Banting homestead

Mr. Wilson	6008
------------------	------

Ontario drug benefit program

Mr. Hudak	6009
-----------------	------

Abortion

Mr. Martiniuk	6009
---------------------	------

SECOND READINGS

Places to Grow Act, 2005, Bill 136,

<i>Mr. Caplan</i>	
Agreed to	5996

Film Classification Act, 2005,

Bill 158, <i>Mr. Watson</i>	
Agreed to	5997

Family Responsibility and Support Arrears Enforcement Amendment

Act, 2005, Bill 155, <i>Ms. Papatello</i>	
Mr. Duguid	6010, 6011

Ms. Martel ... 6010, 6019, 6022, 6025 6026
Ms. Broten
Mr. Flaherty
Mr. Kormos
6010, 6014, 6016
6011, 6015, 6016
6020
Mr. Ouellette
6012
Ms. Matthews
6015, 6020, 6023
Mr. Barrett
6015, 6019
Mr. Levac
6016
Mr. Wilkinson
6019
Mr. Wong
6020
Ms. Di Cocco
6022
Mrs. Munro
6022
Mr. Berardinetti
6023
Mr. Arnott
6023, 6026
Mr. Sergio
6025
Mr. Martiniuk
6025
Mr. Miller
6026
Debate deemed adjourned
6029

OTHER BUSINESS

Visitors

Mr. Wilson
5993
Mr. Bisson
5993
The Speaker
5994, 6006
Mr. Ruprecht
5994
Mr. Delaney
5994
Mr. Miller
6006

TABLE DES MATIÈRES

Mercredi 6 avril 2005

DÉCLARATIONS DES DÉPUTÉS

Huguette Burroughs

M. Brownell
5991

DEUXIÈME LECTURE

Loi de 2005 sur les zones de croissance, projet de loi 136,

<i>M. Caplan</i>	
Adoptée.....	5996

Loi de 2005 sur le classement des films, projet de loi 158,

<i>M. Watson</i>	
Adoptée.....	5997

Loi de 2005 modifiant la Loi sur les obligations familiales et l'exécution des arriérés d'aliments, projet de loi 155,

<i>M^{me} Pupatello</i>	
Débat présumé ajourné	6029



No. 125

N° 125

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 7 April 2005

Jeudi 7 avril 2005



Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 7 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 7 avril 2005

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

CONSUMER REPORTING AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES RENSEIGNEMENTS CONCERNANT LE CONSOMMATEUR

Mr. Ruprecht moved second reading of the following bill:

Bill 174, An Act to amend the Consumer Reporting Act / Projet de loi 174, Loi modifiant la Loi sur les renseignements concernant le consommateur.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Ruprecht, you have up to 10 minutes.

Mr. Tony Ruprecht (Davenport): I will share my time with the members from York West and from Ottawa-Orléans.

Bill 174, An Act to amend the Consumer Reporting Act, speaks to a number of issues that have to do with the financial sector in our province and indeed in Canada. I am going to divide my speaking time into three aspects of this. The first has to do with identity theft and what happens when your identity has been stolen, the second has to do with the inquiries that affect your credit score, and the third item has to do with the correction of errors on credit files and the 30-day notice that should be sent out by the banking and financial sector.

Let me first of all speak to the item of identity theft in this bill. I woke up to identity theft on February 1, 2005, when one of my constituents came to my office. He was devastated by what had happened to him. He came to my office with a tax bill in his hand and he said, "Mr. Ruprecht, the first I noticed that my house was being stolen was when the tax roll was sent to me and another person's name was on the tax bill." That's the first he found out about this: when his parents informed him about the change in the name on the tax roll.

What had actually happened was that his house had been sold twice within the previous 18 months. The owner of the house didn't even know what had happened. But to get his name back on the deed and to get the

registrations all in order, he would have to pay his lawyer \$4,000 just to get back to normal.

Identity theft, as you know, is the fastest-increasing theft that takes place in North America. For most people, identity theft doesn't mean very much. But when you're being affected by it in this way, you know that this is a major crime. The devastating consequences of identity theft come home to all of us when we are directly involved. In this case, it was the son of Italian parents who didn't have a clue what actually had taken place. But when they found out that the house had been sold, and when many other people—in fact, hundreds of other people are going to find out that mortgages have been taken out on their homes. Then, of course, alarm bells begin to ring.

The seriousness of this type of crime is really enormous. We know that over a million people in North America are affected by identity theft. The cost to these million people has been over \$5 billion. So the whole question of identity theft is really foremost in our minds today.

As you know, in March 2004 we all got notice that there was a massive identity theft from Equifax Canada credit bureau. Over 2,400 consumer files were compromised and private information stolen by thieves pretending to be legitimate clients of the credit bureau. Just last month, a large American consumer data repository, ChoicePoint of Atlanta, reported that 144,778 people might have been affected by ID thieves using previously stolen identities to open accounts. These were criminal elements, foreign criminals, who compromised very important private data.

What was the response of the government? The response was simply, "We would expect that if your identity has been stolen and your financial file has been compromised by these credit bureaus, then they should inform you, because you should be on the lookout for what happens to your credit card and your credit file."

It is one thing to sit here in this Legislature and talk about stolen credit, but it is totally another when you are being directly affected by it, as a million consumers have been. It is incumbent upon us today to ensure that we are the protective agent for our consumers in Canada. When we get to know that these thefts have taken place, what should be the response of this government? Yes, it is true that our consumer and business minister, Jim Watson, as soon as he got to know about the identity theft, did a great job in trying to ensure that the businesses were informed, that businesses were being told, "Here is a kit

for you. You can protect the identity of your consumers.” He also said, through an education campaign, to everyone else who hasn’t accessed their credit file, “Please check it out.”

1010

You and I both know that when we look at our own credit cards, on many occasions there are some wrong items on the card. Of course, we call in and, sometimes, as should take place, these erroneous entries are taken off, but at other times they are not. So let me briefly speak to the whole question of the 30-day notice of correction. As it stands today, we have a law in Canada, but we have no law in Ontario. That’s why, of course, in this specific aspect of Bill 174, we’re trying to amend the Consumer Reporting Act in 2005. We’re trying to bring it in line with the federal government.

We’re also trying to bring it in line with what happens in California. In California, when ChoicePoint compromised over 144,000 people’s security, they were not told to inform all the consumers all over the United States; they were told only to inform the consumers who had been affected in California. Why California? Because California has a specific law, known as SB 1386, which says that once a company has files and those files have been compromised, the credit agency must inform the consumer that his files have been compromised. The law requires companies and agencies that do business in the state of California and that process personal information to report breaches in the security of personal information in their possession. So companies are forced to act quickly in notifying customers in writing or, for that matter, electronically, posting the information on their Web site that your file has been compromised.

Please check it out. Please ensure that nothing will happen to compromise your credit rating. We don’t know how important this really is because each one of us, whether we know it or not, has a credit file. Each one of us, whether we know it or not, has a credit number. That number is determined on many variables, but one of the most important variables, of course, is how you pay back your loans, how you pay back your credit card and the dates that you pay it back. It is very important that we, at least to some degree, say to those who have confidential information—and that also includes government. It doesn’t only include the banks; it also includes credit information and credit-granting agencies. They were saying, through this bill that, yes, you have not only a right but a responsibility to ensure that every client, every customer of yours, is informed when their credit file has been breached.

We say it very clearly today in the bill: Inform consumers, because consumers have a right to know, and consumers have a right to check out every day what happens to their credit rating, because of its importance. It is clear that this bill, then, will speak directly to the information requested by the consumer through the credit-granting agencies.

I am going to take three more minutes, I think, of my time.

The Deputy Speaker: You’re out of time.

Mr. Ruprecht: I’m out of time now, but I’ll be speaking on this later. Thanks.

The Deputy Speaker: Further debate?

Mr. Gerry Martiniuk (Cambridge): Good morning. It’s my pleasure to rise today to speak to Bill 174, An Act to amend the Consumer Reporting Act. I commend my friend and colleague the member for Davenport for bringing this important bill before the House. It becomes even more important when reading today’s news clips. The member for Davenport talked about a change of ownership of land where the real owner didn’t know anything about it. In today’s paper, the law society is presently investigating 72 Ontario lawyers in regard to a very widespread fraud of mortgages, where just that happened: a number of properties were transferred to straw people, probably—persons who don’t really exist—by fraud, and then mortgages were obtained. So it is most topical that we start talking about identity theft.

I must say, however, that I believe that this really should have been brought by Minister Watson who, to date, has been concerned with bringing your own wine to restaurants and things of that ilk rather than the important matters which are affecting our citizens every day around identity theft. There is a growing problem in Ontario of identity theft.

This bill has a number of guidelines for the preservation of private information in various credit bureau files so that it would remain private rather than being open to misuse by various illegal persons in our province. Secondly, it provides—this is most important—that in the event that the security of the credit bureau’s files is breached by any third party, notice would be given to those individuals whose files are now in the hands of criminals.

One would think that, in this day and age, a credit bureau, immediately upon seeing that their security had been breached and information had been leaked or stolen, would automatically do just that: go to the individuals who are affected and tell them about the problem. Unfortunately, we can no longer rely on many corporations to do the right thing. I think that if it takes legislation, this particular bill would provide that security for individuals to preserve their integrity.

I do, however, find fault with some portions of the bill. I hope the member for Davenport will request that this go to the appropriate committee for study. I would like to hear from various areas—both consumers and industry—as to how they would be affected, because some of the provisions seem to be somewhat nitpicking. For instance, subsection 12(1) deals with the credit score that’s presently used by credit bureaus to rate individuals. This subsection 12(1) attempts to tell the credit bureaus how to use their own rating system. It reads:

“(f) the current credit score or the most recent credit score that was previously calculated by the consumer reporting agency, including,

“(i) the range of possible credit scores under the model used,

“(ii) all the key factors that adversely affected the score,

“(iii) the date the credit score was created, and

“(iv) a summary of how the credit score was calculated, including the method used.”

That seems unworkable, quite frankly. Our telling the credit bureaus how they are to rate individuals—I think we are in some difficulty.

However, there are provisions dealing with disclosure to consumers and putting on a time limit. I understand that possibly some of the credit bureaus may not have addressed the matter of consumer complaints about the accuracy of information within their possession too expeditiously, and this will put time frames on it.

As I say, I commend the member for Davenport for bringing this bill before the House.

1020

Mr. Peter Kormos (Niagara Centre): My colleague Gilles Bisson, from Timmins–James Bay, will be speaking to this bill as well.

I'm pleased to support this legislation. I think it's important that this chamber pass this bill today and get it into committee. The mere fact that it has generated squeals of protest from Equifax Canada Inc., the mere fact that it has generated squeals of concern from Trans-Union—they were but two of the companies. Look, these people are perfectly entitled, but this is pretty remarkable. Here's a private member's bill that hasn't even been passed and it has already generated submissions to committee. That means that Mr. Ruprecht is on to something.

I want to talk about credit in general for a moment. Let's refer back to Bill 70. You recall Bill 70? That minister? Oh, that minister. Talk about squealing: the one who squealed about the need to get his Bill 70 passed because Bill 70 contains some amendments to the Consumer Reporting Act too. It still hasn't been proclaimed. My goodness. What is the minister talking about, or is he just talking through his hat? Bill 70 contained amendments to the Consumer Reporting Act, purportedly to protect consumers, because he is purportedly the minister of consumer protection, yet here we are again. The minister, the one making the big bucks, one Honourable Jim Watson: Does he deliver? No. It takes backbencher Tony Ruprecht to deliver the real goods. Why, it's Mr. Ruprecht who should be getting into the limo at the end of the day. It's Mr. Ruprecht who should have the appellation “honourable.” It's Mr. Ruprecht who should be making the big bucks, because it's he who's doing the hard work. Here is Ruprecht doing the tough slugging. Does he get credit? No. Watson doesn't even proclaim bills that he squeals about having to get passed, and he's the one with the limo, the key to the executive wash-room, and he broke the \$100,000 club, easy, with his ministerial salary.

There should be a broad-based debate around consumer credit in this province, in this country. You can't pick up a newspaper, a magazine or a journal of any sort without reading incredible—Linda Leatherdale, for whom I have the greatest admiration and respect and

affection, writes often about the crisis of consumer debt. This preoccupation with governmental debt is one thing, but consumer debt is yet another. The escalation of consumer debt and the crisis that will be prompted by even a small increase in interest rates and the loss of equity in their homes, for instance, that people will suffer with the increase in interest rates will generate untold and unprecedented tragedy for working folks, small business people and families.

I've had occasion to comment on the credit card industry alone. Heck, in our lifetimes we have seen the proliferation of credit cards. Back in the 1960s, American Express was at the vanguard of the credit card industry. It was considered a very exotic sort of thing. I remember back when I was a kid in the 1950s, it was incredibly exotic for somebody to have a credit card. It was considered the privilege of the very wealthy, the Hollywood-Fifth Avenue set. Yet in a period of a few short decades, there isn't a kid in the province who doesn't have at least one credit card. If they don't have a credit card, they're getting the applications for them or they're getting them sent to them pre-approved.

As I say, we need a broad-based discussion on consumer credit. I have serious concerns about the incredible irresponsibility of the credit card industry in terms of who they grant credit to, the basis upon which they grant it and, quite frankly, the usurious interest charges that accompany it.

Make note of this: This is but one observation. I'm going to tell you how to get your credit limit increased. If you've got a \$5,000 credit limit, don't pay it down. The credit card company has no interest whatsoever in the person who pays off their account every month. If you've got a \$5,000 limit and you pay your account off every month, you're never getting to get an increase. If you've got a \$5,000 limit and you let it linger at four or four and a half grand, you'll get bumped up to \$7,500 automatically. Then, if you let it linger at around \$6,500 or \$7,000, they'll bump you up to 12 grand.

It is an irrefutable fact that the credit card industry—it's almost like the government's casino policy, which focuses on the most addicted gambler. The credit card industry focuses on the most irresponsible borrower, because the person who pays their card off every month is of no interest to the credit card company. The person who pays their balance off every month costs that company money, especially if it's one of these airline miles—what do they call them? There's a name for that, when they give points, prizes or gifts.

For the life of me, I can't understand why the whole credit industry—department store credit cards. You're talking about interest rates that are in the high 20s, for Pete's sake. Heck, what's the prevailing rate of interest out there? It's around 5% or 5.5% if you go to your credit union or your bank, if you have a relationship with the bank. Incredible. This is no comment of detraction. I'm not detracting from the thrust of the bill, because the bill has a very specific goal. But really, a debate around these operators, with their 28% or 29% interest rates—or even

their 18% and 19% interest rates on the Diners Club etc. credit cards.

Look, I use credit cards. We are becoming a cashless society. But having said that, I'll simply make this observation: We could avoid all of this grief if only people would join credit unions, participate in them and develop a relationship with credit unions. They'll find that they can avail themselves of appropriate levels of credit, with fair interest rates and useful assistance in terms of how to arrange one's own financial affairs in terms of credit and how much debt load you can responsibly assume. We wouldn't have a problem around identity theft and the irresponsibility of Equifax. How many names, Mr. Ruprecht, did Equifax get pilfered? Hundreds, as I recall Mr. Ruprecht saying.

Mr. Ruprecht: It was 2,400.

Mr. Kormos: Some 2,400 were pilfered from Equifax. Although, on the one hand, we Canadians applaud ourselves for not being as litigious as our American neighbours, it's in instances like this that I wish we were more litigious. People should be suing the tail off of Equifax and other companies like it; suing the daylights out of them and getting judgments of punitive damages that make the suckers sit up straight and pay attention.

This bill has to go to committee. I'm confident that Mr. Ruprecht will be successful in referring this bill to committee. I understand that Mr. Ruprecht anticipates sending it to the finance committee, which is an entirely appropriate committee.

Clearly, Equifax, TransUnion, companies like this, want to have their say, but there are victims of identity theft. There could well be some Equifax identity theft victims. There are advocates for responsible debt management who, I'm sure, want to have a say in this.

1030

I would go one further, because I anticipate, if and when this bill goes to committee, moving an amendment to the following effect, so pay attention, Equifax, TransUnion and other credit reporting agencies: that every time a request is made of one of these companies about any given person's credit rating, that that person be advised of the fact that a request was made, whom it was made by and the information that was given to them. That's only fair. It's the responsible thing to do.

There are no secrets any more. I talked about American Express back in the 1960s. It was the word on the street in the 1960s and in left-wing magazines and newspapers that the CIA used American Express credit transactions to track people in those post-McCarthy, paranoid decades. I don't know for a fact whether that's true, but it doesn't seem unlikely, does it?

The fact is that today the prospect of the CIA using its insidious tentacles to access American Express records is silly in comparison to how readily any one of us in our spending habits, where we are at any given point in time, can be tracked—everything from the gasoline we purchase through to bank transactions.

Look, when you go to the bank and deposit or withdraw money, they know exactly how much you deposited

and they know in what denomination of bills. When the clerk writes down one 50, two 20s and a 10 when you're withdrawing 100 bucks from the bank, that's a permanent record of exactly what denomination of bills you withdrew.

There are no secrets any more. I believe that puts the onus increasingly upon us to ensure that the privacy rights of people are protected and to ensure that people aren't slandered. That's why I stand firmly behind the proposition that a request for a credit report should be reported promptly to the person about whom it is being requested, along with the information that was conveyed, so that that person can move quickly to correct erroneous information before it percolates out there into the broader community, causing even more damage than it would in the first instance.

Thank you kindly. I look forward to supporting this bill.

Mr. Phil McNeely (Ottawa-Orléans): I'm pleased to rise and join the debate today. I'd just say that I commend my colleague the member from Davenport for bringing forth this legislation and the member from Niagara Centre for trying to get him a limousine.

I think this is very important legislation—some of us have seen in the Toronto Star today the headline about the 93 lawyers being part of a theft squad—and the timing is perfect. I don't know how you have that control with the press.

Mr. Mario Sergio (York West): Seventy-two lawyers.

Mr. McNeely: Seventy-two.

In the short time I have, I want to focus specifically on the first aspect of the legislation, which is the subject of identity theft. I suspect that all members view identity theft as a serious threat to the safety of Ontarians because, simply put, it can happen to anyone.

When most of us think about personal security, we tend to focus on things like locking doors and avoiding alleyways that we shouldn't be in, but theft today is of a different nature. In this day and age, we need to start focusing and protecting more than just ourselves and our possessions; we need to protect our identities. Of course, that is much easier said than done. It doesn't take more than a few strokes at the keyboard for thieves to steal our personal information right out from under our noses. They don't just rob us; they can literally become us.

Thankfully, the people of Ontario know this is happening. The problem is that they don't always know when it has happened. It is very possible for a person's information to be stolen and used without the victim even knowing about it until it is too late. Without a doubt, people feel vulnerable to this kind of assault. That is why, in an Ipsos-Reid poll conducted last month, 79% of Canadians said that the government should help to protect them from identity theft.

This survey was done nationwide—it is not specific to Ontario—but it points to a growing need for action to be taken.

Of course, part of what people need to do is ensure that they are protecting themselves. There is always an element of protection that must come from the individual regardless of what is threatening them.

The Minister of Consumer and Business Services has already helped seniors be aware of what they need to do to protect themselves by providing them with fraud-free calendars. I commend him for that. Those have been a real winner in my community. Seniors appreciate the fact that we're helping them in this.

As the member for Davenport has stated, companies such as consumer data repositories and banks do not have to inform customers if personal information has been stolen or has gone missing. Surely they must protect that information when we give it to them. This makes protecting one's identity that much harder, considering that the public has faith in these companies to keep their information confidential.

In the same poll I mentioned earlier, 87% of people thought that banks should be working to protect them; 85% said that credit card companies should do so; 75% said that credit bureaus and 72% said that retailers should do their part. I think the message is loud and clear: People want to know that their personal information and identities are safe, and they want to help businesses and government do that.

This bill takes us in that direction. This bill would help make Ontario a leader in the fight against identity theft by requiring people to be informed when their identity is stolen or goes missing. It will also ensure that people have access to reports about their credit that are distributed to third parties. I believe that this is also very important because people have the right to know what is being said about their credit and whether what is being said is accurate.

I must say I can't find a reason not to provide the people of Ontario with more protection for their identities and better access to their own personal information. I'd like to thank my colleague for bringing forth this legislation. I would urge all members to help the people of Ontario by supporting this bill.

Mr. Ernie Hardeman (Oxford): I'm pleased to speak to Bill 174, An Act to amend the Consumer Reporting Act, 2005. I commend the member for bringing this bill forward, as it is an important issue on the minds of a lot of my constituents. I also want to say that this isn't the first time this type of bill has been before the House. In fact, it's been passed by this House a couple of times because of the problem that's out there in our communities.

I do want to point out, though, that although it appears to go a long way to solving some of the problems, it also puts in a lot of red tape and regulations that will not necessarily benefit society as a whole. Most acutely, it's in the area of taking away personal responsibility and putting the onus on all the credit providers in what they do with information, how they must deal with keeping track of it and how they must inform the consumer. It takes away a lot of the onus that would be on what the consumer needs to do.

While this bill goes to some length to provide people in Ontario with more up-to-date and substantive information about their own credit history, it takes much of the responsibility out of the hands of the individual and places it primarily in the hands of businesses in our community, and they don't need more onus put on them, more cost of doing business that they must put. I was talking to a farm implement dealer the other day; it was nothing to do with this bill but it was on the same type of thing: The federal government's privacy laws were being implemented. As he looked through what he needed to do, he had to hire another person in his office just to do what this bill was asking. I have some concern that this bill that's being proposed here today is going to do that to a greater extent. There are a lot of other areas where the McGuinty government has been putting more cost on our local small businesses already, and I think this would go one step further in adding a little bit more to that.

It's important that we deal with the personal information that's flying out there in space and the new modern technology we have and what can be done and how quickly this can travel. I think it's important that people know where it's going. I'm just reminded here of a story in the news that the CIBC was faxing their clients' personal and credit information to a scrapyard in the United States, and the people in the scrapyard had absolutely no connection to it. It's very important that we have legislation that deals with that.

The primary purpose of this bill, I understand, is the issue of credit and credit information. The bill will prevent a consumer credit check from being used as a key factor in determining a consumer's credit score. In order to provide more transparency, any credit check used to build a consumer's credit score must be disclosed to the consumer upon request. If credit is being denied, I think it's appropriate that the consumer is informed why their credit is being denied and what the credit check had produced.

1040

The bill also requires that when an adverse action is taken against a consumer—again, this would be when the loan or the money was not granted—based on any information contained within a credit report, the company or individual taking said action must inform the consumer of the action, provide the consumer with a copy of the report and notify the consumer of the right to correct incomplete or inaccurate information. That sounds appropriate, but at the same time we need to be careful that we don't take from that that no one can be denied credit because they haven't got all this information. I think this information should be made available if it's there and the consumer doesn't know it's there. I think that's appropriate.

The bill provides that where a consumer reporting agency discovers that there has been an unlawful disclosure of consumer information, it should immediately report to and inform the affected consumer. That may be the most important part of the bill, and I think that would be enough to make me vote in favour. When a mistake

has been made, the person making the mistake, as when the CIBC bank faxed the information, should be obligated to immediately inform the people on whose behalf they made that mistake.

I would like to go on, but I know we have other members who would like to speak. I will be voting in favour of the bill, and it is because of that: People are entitled to know about their own credit information. It is inappropriate that someone could be denied credit and could have all kinds of things imposed upon them and find out that people have been depending on erroneous reports, that the credit is really not what the report says. For that, I commend the member for bringing this forward, and I will be supporting it.

Mr. Sergio: I am delighted to join my colleagues in the House to speak in support of Bill 174, which is much needed and has been introduced in such a timely way by our colleague Mr. Ruprecht from Davenport. It is timely indeed, and much needed. Until a few years ago, we didn't have this particular problem. It seems that as soon as the criminal aspect out there, the fraudsters, find a new way to defraud the public, bingo, it mushrooms, and then we have the problem that we have today.

The Canadian credit reporting agencies report more than 1,800 identity theft complaints each month—each month. That is a lot of people, a lot of individuals, a lot of businesses affected, because businesses are also caught in the same situation. Believe you me, when you are caught, it's shocking. It's not a very pleasant thing to know that someone has stolen your identity. If you were to speak publicly, people would say, "Oh, come on. How can somebody steal my identity?" And then the problem begins, and they will feel the effect when it happens to them.

Seventy per cent of all of that begins with identity theft—personal information. The ministry, Mr. Watson and our government have put a lot of information out there on how to protect from this possible type of fraud.

Two very important aspects of the bill: I should say that, hand in hand, amendments should be made to the Consumer Reporting Act, as this bill today calls for, and at the same time we should be dealing with collection agencies. The way collection agencies go about conducting their business is absolutely not acceptable and is, I say, criminal. I hope Equifax is listening today, because I have had a run-in with them as well, and it wasn't very pleasant. I hope that by supporting this bill today in the House, sending it to committee and bringing it back, we can send a very strong message to Equifax and all the other credit reporting agencies to clean up their act and act in the interests of the consumers here in Ontario.

I don't have time, but just quickly, a very important point: What does the act intend to do? It says:

"(1.1) No consumer reporting agency shall provide a consumer report to any person without first obtaining,

"(a) a copy of the consent by which the consumer authorized the communication of personal or credit information."

In my own personal case, a fraud was committed. I never signed any piece of paper requesting a credit report. It was done fraudulently. Go and try to tell Equifax. Go and try to solve it yourself.

Another important aspect of the bill:

"(3.1) No consumer reporting agency shall consider as a key factor in determining the credit score of a person the fact that there is an inquiry record or that a personal or credit information has been obtained."

At the moment, the way agencies operate is up to them. They do whatever the heck they want to do and how they want to do it. If you want to put a claim on anybody's credit, Equifax and other reporting agencies say, "Well, it's not up to us. This is the information we have received." They assume that the information or the query they have received is sacrosanct and that they are right and the public is wrong. This must stop. This bill, if approved in the House, will go a long way to correct some of these inequities that affect individuals and small businesses in Ontario.

I laud my colleague the member from Davenport for bringing this forward. I hope we can approve it, bring it back, and then send a message to the public out there.

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate on Bill 174, An Act to amend the Consumer Reporting Act, 2005, which has been introduced by the MPP for Davenport.

I certainly agree with the intended purpose of this bill. It is extremely important at this time that we have legislation in the province of Ontario that protects our citizens from identity theft and also alleviates the numerous inequities that presently exist between the consumers and the banking industry.

I support the changes provided for in this bill, particularly that if a consumer reporting agency discovers that there has been an unlawful disclosure of consumer information, it should immediately inform the affected consumer. We know what has happened in the past here and in the United States, and it's important that we have this type of law in Canada.

I also support the fact that this bill provides that, upon request, consumers are entitled to a copy of the report obtained by a third party so that the consumer is able to challenge its accuracy. Of course, there are guidelines here for storing and safekeeping of consumer information, including electronic signatures, because we know that today, with increasing technology, there is a very, very serious problem with identity theft. This bill would certainly help to minimize and protect against identity theft.

I also support the fact that it's going to deal with the whole issue of application for credit. I don't think most people know that when they apply for credit at present, it lowers their credit score. This would put into effect the fact that "consumer credit bureaus and other persons may not consider, as a key factor in determining the credit score of a consumer, the fact that a consumer report has been requested."

It also provides that “a consumer reporting agency shall only report” credit “inquiry records resulting from actual applications for credit except in a report given to the consumer.” I think that’s extremely important. I don’t think people in this province have any idea of what happens behind the scenes when they currently apply for credit and how it affects their future applications for credit and ability to obtain credit.

The third point I just briefly want to speak to is the fact that this bill would actually correct errors that would be on our personal credit files. In the United States, they have legislation; we do not have such legislation. This bill would provide that “consumer reporting agencies shall investigate disputed information within 30 days and correct, supplement or delete any information found to be unconfirmed, incomplete or inaccurate.”

I support this bill; I support it going to committee for further debate and discussion.

1050

Mr. Gilles Bisson (Timmins–James Bay): I want to say that I have no problem supporting this legislation. In fact, I’ve had a number of people in my constituency who have been taken by some of these organizations in two ways—one, by way of people who go to these payday loan organizations. Oh, my God, I’m telling you, it’s unbelievable, the amount of interest that people have been charged.

I was just reading some of the notes in the file, and I noted the judgment from Ottawa in regard to some of the interest rates that were charged to individuals. Now, we know—all of us in this Legislature—that there is a law that says the maximum allowable you can charge is 60% on one year; anything above that is criminal. I think anything around 60% is criminal. I think what I’m paying on my credit card is kind of criminal, but that’s another story. In the particular cases in Ottawa, you were looking at rates of 1,000% and 2,000% that were charged to individuals on some of these payday loans. Give me a break. I bet you loan sharks in New York City or Boston or any of those places back in the 1930s would have been doing backflips in their grave if they could have gotten that kind of money. These people did it in the guise of a business with a sign on the front of their office saying, “Come in and we’ll help you out in order to bring you to your next payday.” I’ll tell you, it’s pretty disgusting.

I just want to say that I support the member on two fronts. One is that we need to deal with the payday loan organizations, because the problem is that they’re taking advantage of those who least should be taken advantage of. Normally, people who go into these institutions—I wouldn’t even call them institutions; that would be giving them credit—who go into these businesses are those who normally can’t do business otherwise. They can’t get money from a finance company. They can’t get money out of a credit card. They’re at the point of credit where they’re not able to do it. So these people say, “Gladly. Come on in and we’ll charge you a huge amount of interest in order to lend you a few bucks until next payday.” And they’re never able to pay back the money.

We’ve had cases come into the office where people are making the payments that they need to make and then some, and they owe more money than they did when they started. We need to deal with that.

The other issue, and I think it’s wise of the member to bring this forward—I want to echo what my friend Mr. Kormos from Niagara Centre said. In fact, I’m surprised that the minister of consumer and corporate relations has not come forward with such a bill. I have to ask myself, where is the minister of consumer and corporate relations when it comes to this issue? I certainly hope that he and the rest of the people in cabinet are going to support what Mr. Ruprecht, the member for Davenport, is trying to do because, quite frankly, this should be a government bill.

I commend the member for bringing it forward. Maybe, as Mr. Kormos said, we should give you the keys to the limo and let you take over the ministry. I think you would have an interest in making this pass. Anything we can do to help you to move Mr. Watson along, we would so gladly be there to assist you.

The Deputy Speaker: Further debate? The member for Davenport.

Mr. Ruprecht: I just want to ensure today that two items get placed on the record: One is the application for credit affecting the credit score, and the other is the correction of errors on credit files.

Only a small percentage of people know that the actual act of applying for credit, notwithstanding whether it’s approved or not, lowers the consumer credit score. Each time a consumer applies for credit, his or her score is lowered by 6 to 8 points, depending on their overall credit score. An average consumer who has a score of 640 to 680 is particularly affected, as lowering the score by 20 to 25 points as a result of as few as three or four applications for credit may render such an individual unable to apply for a mortgage or otherwise, disqualifying him or her for favourable rates.

In their zest for consumer business, financial providers fail to inform consumers that applying too many times for credit leads to lowering their credit score and therefore their creditworthiness. In the United Kingdom, applications for credit do not affect the composition of credit scores. There is a good example that Ontario might be looking at. In short, Bill 174 provides that consumer credit bureaus and other persons may not consider as a key factor in determining the credit score of a consumer the fact that a consumer report has been requested—simply requested. In addition, credit scores and the key factors used to determine them are added to the list of information to be disclosed to the consumer upon request. Bill 174 provides that consumer reporting agencies shall only report credit inquiry records resulting from actual applications for credit, except in a report given to the consumer. This is indeed a very effective way of saving millions of dollars to consumers whose credit scores have been lowered simply by their making an application for credit. We’ll talk about that some more.

Finally, let me talk about the correction of errors in credit files, which is another abomination in the industry.

As you know, half a million consumers in the United States were asked the question, "Have you had a chance to look at your credit file, and how many errors have you seen?" To my utter amazement, 47% of a half a million Americans responded and said, "You know what? On my credit file is an error." There's been erroneous information, either narrative comments or other types of information: wrong names, wrong numbers. Sometimes they have been cross-filed and mixed-filed. Forty-seven per cent—that's unheard of. That's almost every second person who has a credit file. Forty-seven per cent said there was an erroneous comment or erroneous information on their credit file, which directly affects the credit-worthiness of each consumer.

In the United States, they have legislation which prohibits consumer files from being affected by unconfirmed information beyond a 30-day limit. Upon receiving consumers' complaints or disputes, American credit bureaus must delete any unconfirmed information within this time limit. Unfortunately, this is not the case in Ontario. Our Consumer Reporting Act in Ontario provides that the credit bureau shall—note this—"within reasonable time" investigate disputes. But experience shows that a reasonable time may extend to several months or even several years. There is no obligation on credit companies to ensure there's a response within 30, 60 or 90 days. "Reasonable time" leaves the door open to abuse. Why should we in Canada be considered second-class citizens to the United States, when they have a very specific law which says that within 30 days there has to be a response to any inquiry? This in Canada, in Ontario, is leaving our hapless consumers to suffer the damages as a result of unconfirmed information on his or her credit report.

Therefore, Bill 174 "provides that consumer reporting agencies shall investigate disputed information within 30 days and correct, supplement or delete any information found to be unconfirmed, incomplete or inaccurate." We want to ensure that our consumers do not suffer.

Yes, it is true that our Minister of Consumer and Business Services is informed about this and wants to make some changes. We simply want to ensure that Ontario law, the Ontario Consumer Reporting Act, is in line with what Canada actually says. Did you know that the Canadian federal law says that there shall be a 30-day limit? Consequently, there is a question: Is the Ontario consumer protected within that 30-day limit because of the Canadian law or do we in Ontario have the Consumer Reporting Act saying that a "reasonable time" is requested for the credit grantor to respond? Since that is not clear, why don't we in Ontario make sure that our consumers are being protected? They too should come under the same legislation; namely, if you make a request to a credit granting company, to a credit reporting agency, then you have the right to have a response within 30 days. If you don't get the response, then they must make sure that that information is being deleted, because it is not accurate.

The Deputy Speaker: Mr. Ruprecht, you now have two minutes to reply.

1100

Mr. Ruprecht: I want to make sure that I say my thanks to those who are supporting this bill. I want to thank the members from Cambridge, Niagara Centre, Timmins-James Bay, Ottawa-Orléans, York West, Oxford and Kitchener-Waterloo. I understand that the vast majority of the members here today will be supporting this bill, and I appreciate that very much. It is about time that we bring the Ontario Consumer Reporting Act of 2005 in line not only with what's happening federally but also with what's happening in the United States. There should be a dovetailing effect taking place, and we should ensure that our consumers in Ontario are being protected.

I want to make one short comment about what the member from Niagara Centre said. I want to show you, Mr. Speaker, that as you know, we are being inundated by credit card companies to take credit. I get at least one credit application to be filled out once a month. I know that some of my residents and some of my constituents come to my office, and there are some who do not speak English that well. They ask me whether they should fill out a form and get more credit. Some, to my utter amazement, come into my office with 20 credit cards in their pockets because they thought for some odd reason that they had an obligation to fill them out. I know this is not the case with most of us. But we owe it to those who are not totally informed to try to ensure that we are being fair. What I hear today from those members who have spoken to this bill, each one of you has said that fairness is important to the consumers of Ontario. Let's open the door a bit more. Let's be fair to ensure that this reporting act is justice.

ELECTED OFFICIALS IMMUNITY ACT, 2005

LOI DE 2005 SUR L'IMMUNITÉ DES ÉLUS

Mr Ouellette moved second reading of the following bill:

Bill 165, An Act to provide elected members of municipal councils and school boards with certain privileges, immunities and powers / Projet de loi 165, Loi octroyant certains privilèges et pouvoirs et certaines immunités aux membres élus des conseils municipaux et des conseils scolaires.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, you have up to 10 minutes.

Mr. Jerry J. Ouellette (Oshawa): This is a small bill, and it intends to extend section 37, the privileges of speech under the Legislative Assembly Act, which reads, "A member of the assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing the member brought by petition, bill, resolution, motion or otherwise, or said before the assembly or a committee thereof."

First of all, I'd like to thank my staff for the hard work they did in assisting with this bill—Paul, Al, Lori, Cathy and Candy—and in getting the information out on this particular bill.

I'm going to discuss some of the issues. I know that there are some strong concerns, that the members may feel the expected outcome of this legislation will be an increase in unfounded claims or untruths and increase in poor behaviour in the chambers of other elected officials. As expressed in the speech by my party's own new leader, we must attempt to raise the level of decorum in our own chambers to set a new standard, to lead by example. Quite frankly, I believe that those small numbers of individuals who may abuse a given privilege should not take away from the individuals who respect and honour the privilege given to represent a constituency.

I have met with local papers, and we discussed this very issue about decorum somewhat extensively. A concern was brought out that certain individuals will act as clowns, calling each other names and acting like misbehaving school kids in a schoolyard. Well, quite frankly, people deserve the people they elect, and if someone steps out of line or misuses a privilege, then it is clearly the ability of the electorate to see at large exactly the sort of person they have elected.

I hope the members will try to understand the reason that I brought this legislation. I was approached by an elected official's spouse—because the actual elected official was somewhat concerned about approaching me—who proceeded to explain to me that during their council sitting, for several months now, they had specifically asked for pertinent information as it relates to an issue that was being discussed before their chamber. They stated at that time that the staff members had been unable or unwilling to provide the information, so again a deferral notice was put in on this specific information.

After the session, one of the staff members approached this elected official and specifically stated that if the individual ever stated in that fashion again at a public meeting that they could not or would not provide that information, they would sue that elected official. You can just imagine how this individual responded, and to my knowledge is still reluctant to speak their full minds. I believe those individuals who may be perceived as setting a bad tone should not disallow hardworking individuals the ability to effectively perform their job.

As I started doing further research for this legislation, I began asking questions of other elected officials who currently don't have the same privilege we have in the Legislature and on Parliament Hill. I was rather surprised at the response. It would appear that it's not just the bureaucracy or staff members who were threatening elected bodies and stopping people from fully expressing their opinions, but organizations, businesses, special interest groups and others of similar fashion had approached elected officials and to an extent threatened those elected officials that if they said anything negative

regarding their specific issue, they would have them in court so fast their heads would spin.

How can an elected official make an informed decision or inform their electorate when they can't receive the information from the other members when they are trying to discuss it; when they can't express a belief about a particular issue that is being brought forward; if afraid of the reprisals when they represent their constituency; if they are unable to speak their minds? It's called going in camera. In order to openly and fully discuss these issues without reprisals, in our "ever quick to get to the courts and take you to court" society, elected officials could be forced more and more to go, in secrecy, behind closed doors, which I believe is not in the best interest of the public at large.

It's been stated that there are already enough protections in place for these elected officials and it's not in the best interest to extend these privileges. I'm sure you're all aware here in our chamber that there are exemptions in our privileges that exclude us from complete court immunity. I did state to these people that I would look into this situation and, if I was able to, I would assist in rectifying these situations.

That's why I'm here today. I bring forward a bill to hopefully receive a full debate on this issue. Hopefully a majority of members will support Bill 165, the Elected Officials Immunity Act, to possibly move forward to gather further information on this particular issue. I hope this information goes much further than just this, that possibly we have the opportunity to receive other information from the municipalities.

During our deliberations and research on this particular legislation, we contacted municipalities throughout Ontario and received a wide range of responses, as I would hope members received on this particular issue, and I want to bring a couple forward.

One from the town of the Blue Mountains states: "That this council does hereby endorse and support the private member's bill introduced by Jerry Ouellette, MPP, and title Elected Officials Immunity Act, 2004, which, if enacted, would"—and this is the key point according to the town of the Blue Mountains—"at long last provide elected members of municipal councils and school boards the same privilege, immunities and powers presently granted to members of other levels of government in Ontario and Canada."

We've received a large number from individuals, in particular councillors, as well as councils that "fully support the initiative and would appreciate being updated as it proceeds through the Legislature." That's from a councillor in the Ottawa area.

Quite frankly—and I'm going to be honest—we didn't receive full support for it. There was one municipality, and only one, to my knowledge, that got back to us and said they were not, and that was Brockville. They said: "That council finds no reason to change the status quo in reference to the private member's bill Elected Officials Immunity Act." Other than that, we had one other coun-

cillor who was opposed to it, and, to my knowledge, those were the only two.

We received responses from all across Ontario: Fort Frances, North Grenville, French River, the municipality of Bluewater, Sioux Narrows, Nestor Falls, Chapleau, Tweed, and the list goes on; a large number of municipalities all responding on this issue.

Some of the other concerns are that if an elected official, a councillor, reads a petition in their chamber—they may not be aware of this—they could be held liable for the words contained within the petition. So if they're presented a petition to read within their chamber, they may effectively be charged or taken to court for the contents of that, being that it could be detrimental to an individual or not in a positive light with regard to a certain entity as brought forward on issues discussed within councils or school boards.

With that, I'm going to conclude my remarks. I think I've expressed the key concerns: It's trying to extend the Legislative Assembly Act's provision number 37. I'll read it again just to make sure that people are clear:

"Privilege of speech, etc.

"A member of the assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing the member brought by petition, bill, resolution, motion or otherwise, or said before the assembly or a committee thereof."

Other municipalities have asked for further extensions beyond section 37, but I believe the spoken word is a good start.

1110

The Deputy Speaker: Further debate?

Mr. Peter Kormos (Niagara Centre): Let me commence by indicating that I'm going to support this bill. I believe it's important that it go to committee because it raises a number of issues that warrant some broad-based discussion. I support the bill with some caveats, but again, precisely the reason why it should pass on second reading and go to committee.

Like the author of the bill, I come from down in Niagara—I'm not like him in that regard, because he doesn't come from Niagara; he comes from the Oshawa area. But, like him, I know that the councillors and trustees on city councils in communities in Niagara, Welland, Thorold, Pelham, St. Catharines and Port Colborne—I'm talking about small-town Ontario here—are incredibly hard-working individuals. It's hard to criticize any one of them for not having commitment and passion about their involvement as an elected representative. When I say "small-town Ontario," I want you to know these people are not making the salaries of Toronto city councillors. They don't have the budgets of Toronto city councillors; they don't have the staff of Toronto city councillors; they don't have the research facilities of Toronto city councillors, or probably Ottawa or communities like that, that effectively have full-time city councillors.

As a matter of fact, Councillor Mary Ann Grimaldi raised this bill with me several weeks ago when we were

at the opening of the new YMCA in Welland. I told her I was looking forward to Mr. Ouellette having his private member's hour—to wit, today—so that I would have a chance to speak to the bill, because I was on a small-town city council too. I was on Welland city council for three years prior to being fortunate enough to be sent here by the folks down there. Maybe they just wanted to get me out of town, but I'm grateful to them.

I understand the libel chill and the bullying that can prevail in these councils. One of the problems—it's not a problem; it's a reality—is that councillors, like I'm sure the ones Mr. Ouellette and I are both talking about, get advice from the city solicitor about what can or can't be done. The city solicitor inevitably, in his or her wisdom, tenders very conservative counsel and errs on the side of caution. I've got councillors coming to me, saying, "Geez, I'm told I can't say this or I can't raise this issue or I can't mention this." I say, "Horse feathers. Tell them to go pound salt."

I recognize that they're receiving the advice that errs on the side of caution. That city councillor is relying upon a city solicitor who doesn't want to stick his or her neck out and have the councillor knocking on his or her door after the fact, saying, "Whoa, you told me I could do this and now I've got some maniac serving me with a statement of claim and dragging me through the courts." Especially when you're dealing with high-priced people who may not like what you're saying about their interests, their financial interests—developers. Say it. That's what you mean, isn't it, Mr. Ouellette? That's what we're talking about, among other things. Mr. Ouellette didn't say it, but I've said it. Developers have been there with the threats of litigation.

There are lawyers in this chamber who could give you legal advice; I'm not about to. As I recall it, it's a truism that truth is always a defence to libel or slander. But it's the mere process of being sued: of having to hire a lawyer and of being drawn through the courts, especially if you've got a wealthy protagonist like a rich developer dragging you through the courts; or like this government. Look what this government has done, dragging people through the courts. Look what this government has done dragging those families, those parents of kids with autism, through the courts and then still saying it's going to appeal.

It's a very sound, firm, well-reasoned decision, because the government has deep pockets. The government has its arms out there, its tentacles picking the pockets of every taxpayer in the province. It's got to do another round of litigation in the Court of Appeal? No problem; they just go to general revenues and cut a cheque. But the poor parents, who then have to litigate in the Court of Appeal after having won their victory in the Superior Court of Justice, don't have deep pockets.

I understand the sentiment and I appreciate the clarification by the member that he wishes his bill to reflect only the immunities provided by section 37 of the Legislative Assembly Act. He'll agree with me that that's not the bill as written. That's where we've got to have

some discussion about this in committee. Do you understand what I'm saying? This bill prompted me to go back to Maingot's text on Parliamentary Privilege in Canada, second edition. I'm grateful as well for the counsel of the clerk's table over the course of years, quite frankly, through this very thorny maze of privilege. Privilege is far more than just the immunity to litigation for libel or slander; it's the immunity to civil arrest, for instance. It's the privilege not only of the individual but of the collective.

An interesting thing happened in Canada with the introduction of a patriated Constitution in the Charter of Rights and Freedoms. There had been a long-standing tradition in the courts of what Joseph Maingot refers to as "judicial deference to parliamentary bodies," which is no longer the case, because even Parliament now, although supreme, has got to govern itself by the Constitution, which includes the Charter of Rights and Freedoms. The references are readily available in Maingot: a number of court interferences with parliamentary internal decision-making, to the extent that that decision does not comply with the Charter of Rights and Freedoms. We all understand that; it has become a day-to-day fact of life for all of us.

It's good to understand that it's not the broader range of parliamentary privilege, that common-law privilege—common-law, but also derived through the British North America Act—that the member wants to deliver to elected trustees and councillors. I appreciate that, because nothing rotted my socks more when I was on city council than these in camera meetings. I'd say, "Why are we going in camera?" because it didn't fall into one of the three categories of finance, personnel or property. "We're going in camera because people can say things in camera that they may not feel comfortable saying on the record." For Pete's sake, if you're not comfortable saying it on the record, maybe you shouldn't be saying it.

Let's not use section 37 of the Legislative Assembly Act and the application of the immunity from litigation in section 7 to other elected officials as an excuse for gutlessness on the part of elected officials—please. If you really want something to be said, you've got to say it, and if you're worried about litigation, once again, the fact is that truth is an absolute defence to libel or slander. If you're unsure whether it's true, then maybe you should be a little more cautious about whether or not you say it.

1120

I understand the broader, overall libel chill phenomenon, so part of the discussion at committee should be around the availability of libel insurance to other elected officials. Members of the Legislative Assembly have libel insurance by virtue of being elected. That doesn't protect you, insofar as I'm aware, from being sued but it does protect you from being nibbled to death by ducks, if you will, by virtue of the expense of litigation that may be capricious or downright malicious and designed to silence you, to control you, just because of the expense of litigation, even though the litigation has no substance.

A committee would be so delightful in this regard because one of the privileges a Parliament has is the power to organize its own affairs internally. Again, notwithstanding the indication by Mr. Ouellette that he merely wants the immunities in section 37 of the Legislative Assembly Act, it has been a question of whether or not this Parliament, the source of municipalities by statute, wants to relinquish any control or all control over the manner of proceedings within that municipal structure to the municipality, and whether citizens, residents of Ontario want to see that done as well, such that they don't have a court of last resort—to wit, their provincial Parliament—when they're expressing concern about the conduct of a municipal council.

I'm pleased to support the legislation. I'll be pleased to tell councillors and other elected officials down in Niagara if and when this receives second reading. I encourage the member to insist that public hearings on this issue be broad-based because there is the at-first-blush observation but then there are a whole lot of secondary considerations, little undercurrents, that are worthy of consideration and debate.

Mrs. Donna H. Cansfield (Etobicoke Centre): I rise to speak to this bill. When I first read the bill, I thought it was a good beginning. I wished it had been a bit broader in its thinking. I'm only going to speak to it from my particular background. I'm going to share my time with my colleague from Scarborough.

Having been an elected representative for 15 years at the municipal level as a school board trustee, I have some experience to be able to speak in terms of wanting or not wanting any kind of immunity. I had hoped there would have been another part to the bill. You're right in that with this bill would come immunity, but I looked also for the obligation, the responsibility for the integrity part. That's what's missing, and I say that quite sincerely.

The governance issue has been an issue for a long period of time at the municipal level. This is not something new. It has always been fascinating to me that rather than looking at how we could build consensus and work together, we are looking constantly to find ways to protect ourselves from things such as libel. I would think that people who are speaking to one another or looking for information should be able to do it in such a manner through their governance structure that you don't need to go to the more punitive part. You should be able to go to a more constructive part.

However, I'm also not naive. I'd been there for a few years and I recognize some of the challenges. I think the member said it himself: You get the people you elect. I appreciate that, and that's the wonderful thing about democracy. We do in fact get the people we elect.

Having said that, there is nothing that prevents that elected official from, first of all, acting in a responsible way. There's nothing that prevents that elected official from acting ethically. There's absolutely nothing that prevents that official from working with his or her colleagues to establish rules around how they can work together. There's certainly nothing that prevents that

individual from helping to maintain and establish good working relationships among municipal officials, because, from what I gather in looking at this, the challenge is within that working relationship. I understand that exists.

There are things you can do municipally, where you can build those structures and put them in place, without having to resort to only the one part of this bill. If you had brought the other part, I would have been more comfortable because you would then have looked at the whole issue of structuring of governance. Governance at the municipal level, certainly within the school board, has been an issue for a long period of time. How people act, how they interact and how they establish relationships is a really important way, because no individual at a school board level has any authority at all. It's only when they act in concert with one another to form a majority that they in fact have any authority, and yet I've seen officials who have abused that significantly.

You would think we should be looking at how we put in place a better governance structure dealing with all of the issues, not just some of the issues, around the school board governance issue. We should be looking at ways to be able to say, "If you can't work together, why not?" and how that too can be adopted.

Interestingly enough, to use the particular example, there was information that was not forthcoming and, when called upon, gave the impression that the individuals were not going to be supportive. There still is freedom of information. You can access that. These are public records. But my first question would be, why did you not try to convince your other colleagues and make it a requirement of that council that that information come forward? Like most things, there are always two sides to every story. Again, there are rules that are already established that enable school boards to work that way if they choose to work that way.

For me, putting in libel insurance and immunity doesn't address some of the very serious underlying issues in governance. To me, more important is the issue of integrity, how, once you are elected, you serve the people. With that obligation, there are those responsibilities that come. How are they defined in this legislation? Only part of it is defined in it, not the other part, and I think they need to be in concert with one another.

I know that if we just send it to committee, the committee could only deal with one part. You can't amend this to that extent to put in the other. That is a concern for me, I must admit. So I look at this and I say it's broad and it's got good intent. It covers part of the real challenges that face people on a day-to-day basis when they are trying to access information. Nobody who is an elected official should be put in a position where they feel they are being bullied. For heaven's sake, we suspend children for that. That's not how we want to act, out of respect for one another in terms of the governance of that particular municipality, school board or whatever.

I would like to support it, but I can't because I need the other part of it. It's not enough to say it will go off committee and it will come together. I think what you

have is a really good beginning, something we could build on and take a little further around actually looking at the structure of governance in school boards as it enables them, on a day-to-day basis, to work with their colleagues.

I like your intent, I think it's important, but I would prefer that it had the two parts to it or that it had a broader meaning where it could actually turn around and say, "How do we work together to make this happen from both the bureaucracy side and the elected side?" At the end of the day, if you don't work together, you're not going to get anything done. It's really quite simple. If you find yourself at loggerheads on a constant basis where you're feeling threatened on either side—not just on the member's side but if that bureaucrat feels threatened as well—then that's not constructive either.

The whole issue of governance needs to be defined more clearly for me. I think that discussion needs to take place at the municipal level. That's where you need the really good foundation of, "How do we build? What's really wrong there? What's missing? And what is it that we can do to work with them to make it happen?" Imposing something down may keep that particular councillor happy, but is it going to keep the bureaucracy happy? I don't know, because there's no immunity for them. So then, do you just turn the bullying around? I certainly would hope not—it's not the intent—but I would like to think that we could find a compromise.

Anyway, I'd like to thank you for bringing this forward. I really do think that it has the merit of something that's worthwhile, but unfortunately, because it doesn't share the other side, I'm not able to support it.

1130

Mr. Brad Duguid (Scarborough Centre): I want to begin by thanking the member for Oshawa for bringing this bill before us today. He is a dedicated member of this chamber, and he's actually a very good defenceman, believe it or not, on our parliamentary or legislative hockey team. I'd like to say that I can support this bill—and I would, because of his defensive abilities on the ice—but, unfortunately, I can't say that I can support the bill. Let me explain why.

I think the intent of the bill is very supportable, and as the member defined it this morning and really homed in on exactly what his intent is, I think that's extremely supportable and it makes sense. Unfortunately, the way the bill is written, it's a little too broad in what it currently captures. I'll explain a little bit what I'm talking about.

The bill states, "An elected member of a council of a municipality or of a school board has the same privileges, immunities and powers as the law confers on a member of the Legislative Assembly of Ontario." It sounds simple, but I'm not quite sure what it actually means. It's a little bit too broad. It's unclear as to what this means. It's a little too unclear for me to support it at this time.

Bill 165 may be intended to deal with the issue of privilege of municipal councillors and I think that's what it's meant to do: to speak to their council meetings and

their proceedings. Unfortunately, it's a little broader in the wording and purports to give municipal councillors all the privileges, immunities and powers as those of members of the Legislature—some of the privileges and powers that the member for Niagara Centre spoke to earlier. Again, we really have no idea what that means. It could be interpreted, in the extreme, as giving school trustees and councillors all the privileges that we have here, including the privilege of coming in here and taking a seat and participating in debates and what not. That's extreme, but you never know.

If it's reasonably interpreted, however, some of the privileges that we're talking about here would likely include the freedom from being arrested in civil actions during a session of the Legislature and 20 days before and after a legislative session. I'm not sure why we would want to extend that kind of a privilege to trustees or councillors. That's clearly not the intent of what the member has put forward, but unfortunately, with the wording that we have before us right now, that would actually be the impact of it.

Ineligibility to sit on a jury: That's something I would support. I've experienced that as a member of council, where I've missed a good part of an important council meeting because I had to do jury duty. That is something I believe we're immune from, but maybe that's something we should perhaps consider for school trustees; certainly for councillors.

The rights and powers of a court for inquiring into and punishing members for a variety of behaviours: I'm not sure how that would apply to members of council or trustees, or whether, in fact, it should.

The right to expel members from the Legislature: I don't think that's something we would want to give our local councillors the right to do. Certainly, that could create problems for many of us. I know it would have for the previous government while I was a councillor.

Some of these are obscure rights. It may well be that we should extend or consider extending some of these privileges and rights, but I'm not sure how some of these could apply or be relevant to elected officials, whether they be trustees or councillors.

Before I could vote in favour of this bill, I'd need to know what privileges we're talking about here and consider what is and is not appropriate to pass on to those local representatives. It would have to be, I think, written into the legislation to ensure that that's there. Now, if this bill was intended to deal only with the issue of privilege—and that appears to be what the member intends—the bill still needs to be narrowed in its scope so that it can be made a little more clear.

We have here in this Legislature what they call absolute privilege; councillors have what they call qualified privilege. Our absolute privilege is interpreted to include statements made at judicial proceedings; statements made by one officer of the state to another; statements made in parliamentary and legislative proceedings; fair and accurate newspaper or broadcast reports of court proceedings. I'm not sure whether the intent would be to extend privi-

lege for members of council or trustees to all of these four—maybe it would be; maybe it should be—but it's something I think we'd have to look at in terms of the details to see whether all four of those are appropriate.

I was a city of Toronto councillor for Scarborough for nine years, and I haven't seen a circumstance come before me or come to my attention where this was something that was very urgent or a problem. However, the member did raise an issue that has come to his attention, and just because there may not be a hue and cry for reforms in this area, it doesn't mean that the suggestions the member's coming forward with don't have merit and it doesn't mean we shouldn't give it some consideration.

That's why I say to the member for Oshawa that there is some merit to what he's suggesting. There may be some good ideas in there. I would strongly recommend, as we're reviewing the Municipal Act, which we are right now, that he bring those ideas a little more specifically, the specific changes he'd like to see, to the attention of the minister or even forward it to me in writing if he likes, and we'll certainly make sure this gets full consideration as we go through consideration of the Municipal Act. I think the member does have some good ideas, it does have merit in what he's bringing forward here, and his statements today brought some comfort to me that I think I know now what he's trying to accomplish. I'd be happy to work with him to try to achieve that as we go forward looking at changes to the Municipal Act. I don't think that would be all that difficult to try to achieve.

Again, I thank the member for bringing this forward. It's commendable; it's laudable. Because of the way the bill is written—and I'm not trying to find a way not to support this. In fact, last night, when I looked at this, I was trying to find a way to support it, and unfortunately I just couldn't because it was just a little bit too broad. But I'd be happy to work with the member in the future, if this does not pass here today, to see if there's another way we can fulfill the intent that he set out to accomplish here today.

Mr. Frank Klees (Oak Ridges): I'm pleased to rise and participate in this debate on Bill 165, brought forward by my colleague from Oshawa. I want to commend him, first of all, for taking this initiative, as is typical of the member, in response to an issue that was brought to him by a constituent. This bill before us today is in response not to a theoretical issue but to a very practical issue that is being faced by someone who, on the one hand, is attempting to provide public service and, on the other hand, is finding obstruction in doing that.

I must say that when I first saw the bill, I had some of the concerns that are being expressed by some of our colleagues, because it is in fact written in a very broad context. When we talk about extending privilege, it is something that we as members of Parliament, provincially as well as federally, take very seriously.

I want to read into the record Erskine May's definition of parliamentary privilege. It reads as follows: "Parliamentary privilege is the sum of the peculiar rights en-

joyed by each House collectively ... and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law."

Marleau goes on to explain that when we speak about the peculiar rights that are extended to members of the Legislature, there are basically four categories: One is freedom of speech; the other is freedom from arrest in civil actions; the third is exemption from jury duty; and the fourth is exemption from attendance as a witness—very powerful exemptions.

1140

Specifically with regard to the issue of freedom of speech, I want to again make reference, to provide some context, to a ruling by Speaker Fraser on the issue of this very important privilege that members of the Legislature are extended when it comes to that category of freedom of speech. That ruling is stated as follows:

"There are only two kinds of institutions in this land to which this awesome and far-reaching privilege ... extends—Parliament and the Legislatures on the one hand and the courts on the other. These institutions enjoy the protection of absolute privilege because of the overriding need to ensure that the truth can be told, that any questions can be asked, and that debate can be free and uninhibited."

He goes on in his ruling to talk about the important aspect of these matters of privilege. What is important to me is the clarification that the member from Oshawa has presented to the House this morning in terms of his intent with regard to this legislation. He has very clearly stated in his address that he wants not to extend those broad privileges that members of the Legislature and Parliament have but, rather, that they be limited to section 37 of the Legislative Assembly Act. And those are in fact very narrow. I want to read that into the record for the benefit of members. It states as follows:

"A member of the assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing the member brought by petition, bill, resolution, motion or otherwise, or said before the assembly or a committee thereof."

This goes to the heart of the member's intent with regard to this bill. I am disappointed to hear the members from Etobicoke Centre as well as Mississauga West, I believe it was, who said that while they agree with the intent of this bill, they find they cannot support it because it doesn't go far enough, doesn't have one aspect they would like to see included or perhaps needs some refinement. I want to remind members of this House that on second reading, the vote in favour of any legislation before us is a vote in principle. It does not address the specific aspects of a piece of legislation. That's what the next step is for, which is committee. And it is in the context of those committee hearings that we can then refine the legislation. If it's found that the legislation doesn't work, for whatever practical or legal reasons, as a

result of the debate we have in committee, then of course it wouldn't be referred to the House for third reading.

I do believe that the member has addressed something very important, and that is that he wants to ensure that members who are elected to the municipal level of government, who take their seats at the council chamber in representation of their constituents, can do so without impediment; that they can do so with a sense of freedom; that they can, whether it's requesting information from staff, whether it is making statements and calling on certain truths to be tabled so that they can more effectively deal with the issues before them, whether it's a member of a board of trustees in our school board or whether it is a member of council—surely in this place, we should do what we can to empower those individuals, to protect those individuals from in any way being prohibited from doing their jobs.

So I encourage this House to pass this bill on second reading, which is before us today. Refer it to committee so that we can discuss all those details that the member has indicated, issues that have been raised by our colleagues in this House. I will be supporting it for that reason. I believe, in principle, the member has it right. Now it's up to this House to ensure that we deal with this legislation in committee to ensure that the details are dealt with accordingly.

Mr. Garfield Dunlop (Simcoe North): I'm very pleased to be here today to speak to the private member's bill, Bill 165, An Act to provide elected members of municipal councils and school boards with certain privileges, immunities and powers. I think the explanatory note says it all: "The purpose of the bill is to extend to elected members of municipal councils and school boards those privileges, immunities and powers presently enjoyed by members of the Legislative Assembly of Ontario."

I would like to congratulate my colleague Jerry Ouellette, the member for Oshawa, for bringing forth this legislation, which he introduced in the House last December. I will be supporting this legislation as well.

First of all, I want to say that I was pleased to see that the bill was circulated to municipalities across the province. I know that two of the larger municipalities in my riding, the town of Midland and the city of Orillia, both supported this bill. I have a lot of confidence in the workings of those two municipal councils and the staff that work for the towns of Midland and Penetanguishene. I also understand that the member for Oshawa received support from the township of Ramara on this private member's bill as well. I'm not sure what other ones came in from my municipality.

Mr. Speaker, as you probably are aware, a lot of us in this House have been members of municipal councils over the years. I myself had 18 and a half years in municipal council work, and I felt that as a municipal council member I worked just as hard at doing my job as a councillor, a reeve and a deputy mayor as I do representing the people as an MPP, if you look at the responsibilities we have.

I think the errors and omissions aspect of the legislation is what bothers me. There is a certain protection we have in this assembly, and we get that protection during all the debate times, during question period. As you know and as the member brought forward, those same privileges are not extended to municipal council members and a lot of people on school boards as well. I think they deserve that right.

People who are on municipal councils—most of them are not full-time jobs. In a lot of cases, these people run businesses, they are teachers, they belong to other professions. A lot of people join municipal councils as a result of their strong support for and love of their communities. They want to make their community, whether it's a township, a city or a small village, a better place to live. I think in a lot of cases, because they don't have the privileges that are extended to the 103 MPPs here, that may be a reason why people would not run for an elected position on some of the councils. That is hindering the process in a certain way. Just because of this aspect alone, we might be turning our back on a lot of very good elected officials across this province who may like to run.

I don't see what the downside of this is. I would hope that every member in this House would be here to support this legislation. I'd like to see it go to committee and have a lot of people come to that committee. Let's have members from AMO, ROMA and the Ontario Good Roads Association come to those meetings and discuss this. I'm sure we'd get support from all those organizations. I don't know that for a fact; maybe the member for Oshawa, in his wrap-up, can mention whether he's talked to AMO on this particular piece of legislation. I would think they would support that. This would be something that could be lobbied for right on the floor of the annual convention of the Association of Municipalities of Ontario.

I know the member has looked into this. He has talked to a number of stakeholders. As I said earlier, I was pleased he had taken the time to write to municipalities to see what their response would be to his bill. From everything I've read here, I'd say that he's had a very positive response and that the members of municipal councils and the administrators of municipalities would want the Parliament of Ontario to support this private member's bill.

1150

I've said it before in this House: Some really important legislation is passed through this House. This is one of them: helping to protect our municipal councils. I think of Mr. Gravelle's bill on the insulin pump. That's a bill I'm sure should be passed through this House. We seem to introduce it in each Parliament and it dies on the floor. The Ministry of Health gets their hands on that bill and we never hear of it again. But I can tell you that in my riding, Bill 55 is an important bill. We have a number of people who require insulin pumps, and the funding is not available through the health care system to allow them to have that. As a result, the lobby continues, but nothing is done about it.

As I said earlier, I think that in private member's hour we often turn these bills down; we often don't see them go to committee. This is an opportunity today to prove I'm wrong in that assumption. Let all the members of this House support Bill 165 and move it forward through the committee hearings. We've done a lot worse. The bring-your-own-wine bill, for example, is really a nothing bill. The marijuana grow-op bill isn't too important. There's all kinds of legislation that we've debated here that hasn't had the impact this could have on our fellow politicians across the province.

So I would ask every member in this House to support this. I hope the member can see it brought forward to committee hearings and passed into law as early as the spring of this year.

With that, I'll be happy to thank you for this opportunity to stand here today and speak in favour of this bill. I congratulate the member from Oshawa for bringing forth such an important bill to help municipal governments across this province.

The Deputy Speaker: Member for Oshawa, you have two minutes to reply.

Mr. Ouellette: We, as members, have been granted a privilege and an honour. We are all honourable members. I want to thank the members from Niagara Centre, Etobicoke-Lakeshore, Scarborough Centre, Oak Ridges and Simcoe North for their comments today.

In this bill, there are some not-defined areas—as I've expressed, and even the member from Niagara Centre—that need to be refined and defined. I'm hoping that, through the committee process that can take place, we can take this to committee to get a fleshed-out bill, fully discuss the impact and give those municipalities that have that concern—I know the Northwestern Ontario Municipal Association is meeting in Kenora at the end of this month, and there was huge support from the municipalities in the north. I fully expect there will be something come forward at that municipal meeting in that part of the province at that time.

The intent in bringing this forward was, as specifically stated under the Legislative Assembly Act, to extend the privileges of speech. I'll read it again:

"37. A member of the Assembly is not liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing the member brought by petition, bill, resolution, motion or otherwise, or said before the assembly or a committee thereof."

I'm hoping the members here will enable it to move forward to the committee process so that there's full and complete debate, so that we can actually develop the bill if, in their eyes, it doesn't fulfill the needs they feel are there, and so that we can move forward with a bill that will help us and our municipal and elected school board trustees in providing better, more informed debate, and give those individuals the ability to better represent their constituents as well.

I thank all for the opportunity to debate this bill today.

The Deputy Speaker: The time provided for private members' public business has expired.

CONSUMER REPORTING AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES RENSEIGNEMENTS CONCERNANT LE CONSOMMATEUR

The Deputy Speaker (Mr. Bruce Crozier): We will first deal with ballot item number 57, standing in the name of Mr. Ruprecht.

Is it the pleasure of the House that the motion carry?
Carried.

Mr. Tony Ruprecht (Davenport): On a point of order, Mr. Speaker: I'd like to have this referred to the committee on finance and economic affairs, if I might.

The Deputy Speaker: Mr. Ruprecht has asked that this be sent to the standing committee on finance. Agreed? Agreed.

ELECTED OFFICIALS IMMUNITY ACT, 2005

LOI DE 2005 SUR L'IMMUNITÉ DES ÉLUS

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item number 58, standing in the name of Mr. Ouellette.

Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1155 to 1200.

The Deputy Speaker: Mr. Ouellette has moved ballot item number 58. All those in favour, please rise.

Ayes

Amott, Ted
Baird, John R.
Bisson, Gilles
Chudleigh, Ted
Churley, Marilyn
Dunlop, Garfield

Hardeman, Ernie
Horwath, Andrea
Jackson, Cameron
Klees, Frank
Kormos, Peter
Leal, Jeff

Martel, Shelley
Ouellette, Jerry J.
Prue, Michael
Rinaldi, Lou

The Deputy Speaker: All those opposed, please rise.

Nays

Broten, Laurel C.
Brownell, Jim
Cansfield, Donna H.
Caplan, David
Delaney, Bob
Dhillon, Vic
Duguid, Brad
Hoy, Pat

Kwinter, Monte
Marsales, Judy
McMeekin, Ted
McNeely, Phil
Meilleur, Madeleine
Mossop, Jennifer F.
Patten, Richard
Peterson, Tim

Ramal, Khalil
Ruprecht, Tony
Sandals, Liz
Sergio, Mario
Van Bommel, Maria
Zimmer, David

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 16; the nays are 22.

The Deputy Speaker: I declare the motion lost.

All matters relating to private members' public business having been completed, I do now leave the chair. The House will resume at 1:30 of the clock.

The House recessed from 1202 to 1330.

WEARING OF RIBBONS

Mr. Ted Arnott (Waterloo-Wellington): On a point of order, Mr. Speaker: I'd like to seek unanimous consent of the House to allow members to wear this yellow ribbon in recognition of the Canadian Cancer Society and the fight against cancer.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent to wear the yellow ribbon? We have unanimous consent.

MEMBERS' STATEMENTS

HURONIA REGIONAL CENTRE

Mr. Garfield Dunlop (Simcoe North): I rise today to draw to the attention of all members of this House and to all the citizens of our province the uncertainty that will be faced by the 340 residents of Huronia Regional Centre and their families when the Orillia facility is closed. We have now received thousands of signatures from citizens from across our province asking the government to carefully reconsider what has become a decision that clearly is a mistake and has no plan behind it.

On Saturday, April 9, between 1 p.m. and 3 p.m., the Huronia Helpers Family Organization will meet at the Royal Canadian Legion in Orillia to discuss further intentions. These friends and family members are afraid for their loved ones who reside at the Huronia Regional Centre. Most of the residents have very special needs, are elderly and have called HRC their home for most of their lives.

I have visited the HRC many times over the last few months. The facility is clean, neat, and its residents live in family-like units, not in the jail cell atmosphere that some would make you believe is the case. The 680 employees who care for the residents in a very kind and professional manner are part of the culture of Orillia and area. Their payroll contributes \$29 million to the local community.

Although I support the mandate and intent of community living associations, I still feel that there is a need to accommodate the residents with very special needs who continue to live in the three remaining facilities. I urge all Ontarians to support the continuation of HRC by signing petitions and by telling Dalton McGuinty that the closure of HRC was not part of his 2003 election platform.

LE PAPE JEAN-PAUL II

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell): C'est un monde en deuil, et demain Rome s'apprête à accueillir plus de deux millions de personnes aux funérailles du Saint-Père, le Pape Jean-Paul II.

Au nom de tous les citoyens et citoyennes de Glengarry-Prescott-Russell, je désire me joindre à la population entière afin de réitérer nos profonds senti-

ments d'angoisse, d'amour, de vénération et de respect pour cette sainte personne, la pierre angulaire de la religion catholique, qui s'acharnait constamment à resserrer les liens entre toutes les dénominations religieuses.

Notre Saint-Père était un grand défenseur des droits de la personne, ayant un profond amour et une dévotion incontestable pour la jeunesse. Doté d'un charisme hors de l'ordinaire, il instillait en nous des sentiments de paix, d'amour et d'amitié.

Je ne peux que me remémorer avec émotion sa visite à Ottawa en 1984, alors qu'avec mes confrères Sires Chevaliers, nous formions la garde d'honneur du Saint-Père Jean-Paul II, et sa visite à Toronto en 2002, alors qu'avec plus de 200 personnes de Prescott et Russell, nous avons pris part à des activités sur le terrain. Là, comme l'ensemble des gens, j'ai été fortement touché par sa force spirituelle et humanitaire.

Votre Sainteté, nous garderons toujours en nous votre éloquente présence, bref, cette personnalité majestueuse.

AUTISM SERVICES

Mr. Frank Klees (Oak Ridges): Children and young people with autism and severe mental and physical disabilities brought together Christians and Jews at an historic event last night.

Major General Doron Almog, former head of the Israel Defence Forces' southern command, whose 21-year-old son, Eran, is autistic, characterized the event as a gathering of "the strongest for the weakest."

The event, whose honorary chair Gerry Schwartz, raised in excess of \$400,000 in support of the Aleh Negev project in Israel, where children and young adults with autism receive compassionate care and benefit from rehabilitation therapies.

Present at the event was the Israeli Vice Prime Minister, Mr. Ehud Olmert, who praised supporters for demonstrating in such a tangible way that they care for the human needs of people.

I was honoured to be in attendance at this event. I was inspired by the support for the Aleh Negev project and the generosity of the supporters. It was heartwarming to see what is being done for autistic children in Israel.

But as a member of this Legislature, I also felt a sense of shame for our own province, because rather than forging similar coalitions and demonstrating political and moral leadership on behalf of autistic children, our Premier, Dalton McGuinty, and his government are refusing to provide even the basic care and therapies ordered by the Ontario Superior Court.

I call on this Premier and this government to reassess their priorities.

LITERACY TESTS

Mr. Mario Sergio (York West): It is with great pride that I rise today to congratulate the literacy achievements of hard-working students in my riding. The C.D. Howe Institute recently released a study of Ontario schools that

wrote the Education Quality and Accountability Office tests. The grade 3 test performance of Driftwood Public School in the Jane and Finch area has put them in the top 10% of schools in the province.

Driftwood stands as testimony that students can obtain success once given proper instruction and the necessary pooled resources. Effectual results came from collaboration between teachers, leadership from the principal, outreach to parents and literacy programs.

Teachers at Driftwood do not allow excuses such as poverty or living in high-rises for poor performance levels. The teachers at Driftwood inspire their students and motivate them to learn. They are an example for all schools to follow. The tough love and discipline implemented by the teachers and principal have been rewarded with a 64% student passing rate. I am confident that the continuing work at Driftwood will mean that next year even more students will achieve a high level in reading and writing.

I applaud the positive forward steps taken by the McGuinty government. They are much needed with respect to the funding allocations for our community schools, such as \$3 million for community use of school initiatives; \$175 million to address the Good Places to Learn initiative; and the very important primary class size initiative, which has been designated over \$12 million.

I congratulate Driftwood and I hope they will continue to do and deliver excellent work in our area.

HEALTH CARE

Mr. Robert W. Runciman (Leeds-Grenville): Over the last several days, the Premier and the Minister of Health have been playing fast and loose with the facts around their illegal health tax.

People in good faith believed Dalton McGuinty when he looked into the camera during the last election and said, "I will not raise your taxes," but in his first budget he broke that promise, and since then he has broken many more. From the solemn pledge to fund the treatment of autistic children to his pledge that he would freeze hydro rates, this Premier has demonstrated that he simply can't be trusted. Each day he comes in here and plays the people of Ontario for fools.

The Premier's lack of a plan for health care has put the system the people of Ontario depend on in jeopardy. Just this morning, his health minister said that hospitals will offer fewer services in the future, and further from home. This government is spending their illegal health tax dollars this year alone on fewer hospital services, firing 757 nurses or buying back MRIs that were already providing services to patients with an OHIP card.

John Tory has made a commitment to return the money that has been taken illegitimately from the people of Ontario. John Tory will not take one cent out of health care. John Tory has promised to spend health care dollars wisely and get down to the real hard work of finding waste in government, something this government refuses to do. John Tory and the Ontario PC Party will replace

the Liberals' illegal health tax with a competent government that has a plan for health care.

DAYCARE

Mr. Gilles Bisson (Timmins–James Bay): Well, well, Tories advocating for public health care. I've seen everything.

We have with us today a number of people from across Ontario who are here to lobby members of this assembly to talk about moving forward on the daycare issue. We know that, in the previous election, the Liberal government—at the time in opposition—came forward and said they were going to do something. What have they done? The federal government said, "Listen, we're prepared to put forward \$300 million to assist you, the province of Ontario, to develop a daycare program."

The government announced that they've got this wrap-around program. They're going to deal with four- and five-year-olds only. Well, children are not just four and five years old. It's from birth up to grade 12—I should say age 12; sometimes I think grade 12—that we need to have daycare programs for our children.

This government still does not want to commit itself to making sure that whatever expansion we make in the daycare system is done in the not-for-profit sector and that we move away from the policy of the Conservative government that moved us into the private sector when it comes to daycare.

I say to the government, you need to start to show your colours. You certainly spoke a good line when you were in opposition, you certainly spoke a good line in the last election, but when it comes to your being in office, it's the litany of broken promises that we have seen from this government since the day they were elected—making promises before the election sounding like New Democrats, but reigning like Tories.

1340

WINCHESTER DISTRICT MEMORIAL HOSPITAL

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): It is with great pride that I rise today and acknowledge the outstanding efforts of the Winchester District Memorial Hospital's Renewing the Vision campaign and the generosity of the late Francis Bazinet.

While the House was in recess, the campaign announced that it had raised \$15 million toward the re-development of the hospital. Considering that Winchester is a small community without the resources of cities like Toronto or Ottawa, this is a remarkable achievement. In addition to the \$15 million in provincial funding, this money will allow for improvements in emergency, operating and patient care rooms. This will ensure that state-of-the-art equipment and quality treatment will continue to be available to the residents of Winchester and the surrounding area.

The Winchester District Memorial Hospital first opened its doors to the community in 1948, with the mandate to "relieve human suffering." For more than half a century, it has held true to that mandate, providing health care service to more than 27,000 people annually. The dedication of Winchester's health care professionals inspired the late Mr. Bazinet to bequeath over \$900,000 to the Renewing the Vision campaign.

The people of Winchester have a strong sense of community and a determination to keep their community strong. Thanks to the donations of people like Mr. Bazinet, a revitalized Winchester District Memorial Hospital will be ready to continue its mandate, providing the community with the best of health care for another half century and beyond.

APPRENTICESHIP TRAINING

Mr. John Milloy (Kitchener Centre): There was more good news for our province yesterday, with the announcement of an additional \$37 million in funding for apprenticeship programs across Ontario. This announcement illustrates our government's ongoing commitment not only to Ontario's apprentices but also to our province's future economic success.

For my community, it will have a positive effect through the support it offers Conestoga College. Yesterday's announcement will mean over \$1.3 million for the college. I want to applaud the good work being done at Conestoga College to train the next generation of tradespeople.

Yesterday's news complements a number of other initiatives announced in the past few months by the Ontario Women's Directorate. For example, on February 25, we announced that we would provide nearly \$200,000 in funding to allow up to 20 unemployed and low-income women to receive pre-apprenticeship training in general carpentry at the Guelph campus of Conestoga College.

Shortly thereafter, it was announced that Conestoga College would receive an additional \$360,000 grant to deliver an information technology certificate program. This grant is also geared to unemployed or low-income women, new immigrants with IT skills and women with disabilities.

As employees in skilled trades, women have been underrepresented too long. These initiatives demonstrate a commitment to our tradespeople and to creating a more inclusive workforce for a strong economic future.

RWANDAN GENOCIDE

Mr. Shafiq Qaadri (Etobicoke North): I rise today in recognition of the Rwandan genocide memorial day, a day when the world remembers unspeakable horror.

In 1994, racial hatred and genocide stalked Rwanda, leaving 800,000 people dead in just 100 days. As the world stood by and watched, Hutu militias killed as many as 10,000 Tutsis a day, face to face, with clubs and

machetes. The number is more incomprehensible when we consider that Rwanda has just seven million people, about the same number that live in the Golden Horse-shoe.

The world's silence is difficult to comprehend.

Today I invite my fellow Ontarians and all the members of the Legislature to remember this tragedy in Rwanda. I also invite you to reflect on three qualities that we may take for granted here: dignity of life, respect for equality, and the value of our diversity. These qualities form the basis of life in Ontario.

We live in one of the most culturally diverse societies that humankind has ever known, from hundreds of different heritages and backgrounds, yet sharing one common vision: a vision of equality for everyone, where everyone can contribute to their potential and make their dreams come true. That is the vision we are all striving for. That is the dream called Ontario.

We must be ever vigilant against the nightmare of intolerance. Today, let us join with people around the world and say that we will never let ourselves be silent to such cries again.

Ms. Andrea Horwath (Hamilton East): On a point of order, Mr. Speaker: I rise to seek unanimous consent for second and third reading of Bill 170, the Fred Gloger Tenant Protection Amendment Act (Vital Services), on behalf of tenants at 355 Melvin Avenue in Hamilton, in order to restore their disconnected gas, heat, hot water, washers and dryers, that they have—

The Speaker (Hon. Alvin Curling): Thank you. I got the information. Do we have unanimous consent? I heard a no.

INTRODUCTION OF BILLS

FIRE PROTECTION STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA PROTECTION CONTRE L'INCENDIE

Mr Prue moved first reading of the following bill:

Bill 184, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes / Projet de loi 184, Loi exigeant que le code du bâtiment et le code de prévention des incendies prévoient des détecteurs d'incendie, des systèmes d'alerte d'incendie interconnectés et des sorties de secours incombustibles.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr. Michael Prue (Beaches-East York): This bill contains two provisions, and I think they are two very common sense provisions. The first is that all of the fire alarms in any existing structure that has more than two units within the building must be interconnected, so that

if one fire alarm goes off, the other does. The second one, I think, is self-evident: The fire escapes cannot be made of combustible material, as most of them are in Ontario, so that a person going down the fire escape knows that they're not going to be burned alive.

VISITORS

Mrs. Julia Munro (York North): On a point of order, Mr. Speaker: I would like to recognize in the gallery today the mother, brothers, sister and grandparents of our page Peter Entecott.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I believe I have unanimous content to put forward a motion without notice regarding private members' public business.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent, as the House leader has requested? Agreed.

Hon. Mr. Duncan: I move that, pursuant to standing order 96(g), notice be waived for ballot item 61.

The Speaker: Mr. Duncan has moved that, pursuant to standing order 96(g), notice be waived for ballot item 61. Is it the pleasure of the House that the motion carry? Carried.

1350

ORAL QUESTIONS

HOSPITAL SERVICES

Mrs. Elizabeth Witmer (Kitchener-Waterloo): My question is for the Premier. At a news conference this morning, your health minister made a shocking admission and revealed what appears to be the true plan you have for hospitals in Ontario. He said, and I quote, that your government would "extricate and consolidate" services from hospitals, and he said that hospitals will not operate with as broad a range of services as they currently do. Premier, specifically, what services is your health minister stripping from our hospitals?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm pleased to take the question, and I know that in the supplementaries the minister will want to speak to this.

Let me just tell you about the record. Rather than speculating about the future, let me tell you a bit about the record. We have been very proud to invest \$1.7 billion more in our hospitals this past year alone. We're

now working with our hospitals to help them balance their budgets by 2006, and half of them, I believe, have already done that. So we are pleased and proud to be able to make that investment.

I want to compare and contrast, because it's important for the people of Ontario. The Tories cut \$557 million over two years from Ontario hospitals. They closed 28 hospitals. They closed 5,000 beds in their first two years. A legacy of cuts; compare and contrast that with a legacy of new investment, new and better health care for the people of Ontario.

Mrs. Witmer: The Premier knows it is not true. Our government added about \$10 billion to the health care budget. We increased access to cardiac care, cancer care, dialysis, MRIs. It is simply incorrect.

I say to you, Premier, just yesterday a report commissioned by your government was released that talked about wait times. Earlier this week, you refused to commit to meeting recommended wait times that were released by the Canadian Medical Association. Well, today we know why. Your health minister said this morning that hospitals are not going to be delivering in the future the level of services they do today. Premier, tell the patients in Ontario what hospital services you'll be cutting, and also let us know about your hidden agenda, just as your health tax was a hidden agenda.

Hon. Mr. McGuinty: The most energy I'm expending right now is restraining the Minister of Health, who wants to get in on this. But I want the opportunity to speak to this.

What the minister did talk about was our responsibility to look for ways that we might consolidate surgical services. We don't believe it's efficient to do hip and knee replacements, for example, in 57 places across the province of Ontario. We should be looking at the best and most effective ways to use the limited number of health dollars that we have. But what we have done—and the member opposite will know this—is spend \$107 million specifically to reduce wait times. We have 1,680 more hip and knee replacement surgeries happening as a result of that investment, 1,700 more cancer surgeries, 7,800 more cardiac procedures, 2,000 more cataract procedures. So if people want to know where we're going, they should take a look at what we've done thus far. Our plan is to make new investments in health care in order to reduce wait times.

Mrs. Witmer: I would say to the Premier, you're not going to be reducing wait times by using your illegal health tax to fire 757 nurses, as you have just done. I say to you again, your minister this morning said that the McGuinty Liberals will "extricate and consolidate" services from hospitals. In other words, people in this province are paying more because of your illegal health tax and they're going to get fewer hospital services.

Let's take a look, Premier, at the Lake of the Woods hospital in Kenora. It's 482 kilometres from the Thunder Bay regional health centre. That is a long way. I want you to guarantee the citizens in Kenora and hundreds of other communities that you won't cut their hospital

services and that you're not going to force them to drive for five, six or even 10 hours to receive the treatment that they need and deserve.

Hon. Mr. McGuinty: This is blatant scaremongering. Obviously, we're going to take into account regional differences and distances and driving time and the like. But I want to remind Ontarians that this member speaks on behalf of a party which is committed to removing \$2.4 billion from health care. We've invested that money in order to provide better quality services to the people of Ontario.

I ask the member opposite: What would be wrong, for example, if we consolidated all of our cataract surgeries into one location in downtown Toronto instead of all the various institutions that are offering that service at present? How would that be contrary to the interests of Ontario patients? How would it be contrary to the interests of our doctors? How would it be contrary to the interests of taxpayers who are working hard to fund good-quality public services? I think this very member would agree with that approach. I think the people of Ontario want us to find ways to consolidate services in a way that does not compromise the quality of their health care. That's exactly what we intend to do.

ENVIRONMENTAL LEGISLATION

Mr. Robert W. Runciman (Leeds-Grenville): Again, to the Premier, and unfortunately, we have yet another example of this Premier's questionable judgment. After no movement for six months on the environmental spills bill, suddenly it was referred to committee this week without having any debate in this House. This is the same bill for which your top political fixer, Warren Kinsella, is receiving big cheques as a lobbyist from those opposed to the bill. Premier, why did you allow Warren Kinsella to attend your cabinet meeting on March 23, the date you discussed this legislative session? Do you not see a massive conflict of interest here?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I can appreciate the inference that the member opposite would like Ontarians to draw from this, but I can assure you that Mr. Kinsella did not in any way, shape or form broach that particular topic of Bill 133. I'm not sure why the member opposite would draw a negative inference from our determination to send Bill 133 out to committee. Would he have us keep this in-house? Would he have us adopt their particular approach, which was contrary to openness and transparency? We think the people of Ontario have something to offer when it comes to improving the quality of our legislation, so we're proud to take this bill and put it out to committee.

Mr. Runciman: We don't mind it going to committee; we just want to know the reasons behind this massive flip-flop.

This is how it looks to those who weren't in your cabinet meeting: First, your Chrétien-era crony strategist—the man who, according to the Ottawa Citizen

article, recommended Chuck Guité be put in charge of the federal sponsorship program—registers in March to represent those opposed to your bill. A week later, he was invited to attend your cabinet meeting where you discussed this legislative session. Media saw him walk in; he was there. Then, suddenly, you send this bill to committee before any debate in the House, indicating you're prepared to make substantive changes to your flawed legislation.

Premier, Warren Kinsella wants to see this bill die. He's being paid to ensure that happens. How can you possibly justify this conflict of interest? How can you possibly give the key to the cabinet to Warren Kinsella?

Hon. Mr. McGuinty: I want to thank the Conservative Party staff for their creativity in that particular matter.

If I might be serious about this issue, we have decided to proceed with this legislation. I believe this is the fifth bill, in fact, that we're sending out to committee right after first reading. We think it's an important way for us to better engage the people of Ontario and to make sure that we're getting the best possible advice when it comes to moving forward with this. I know what the member opposite is really saying is that he personally, and his party, stand fully against Bill 133. I think that is what this is really all about.

1400

The Speaker (Hon. Alvin Curling): Final supplementary? The member for Haldimand–Norfolk–Brant.

Mr. Toby Barrett (Haldimand–Norfolk–Brant): When your environment minister introduced this legislation, she said, "We believe this bill demonstrates our commitment to protecting the environment." Now we see your Chrétien crony, Warren Kinsella, lobbying your cabinet directly to send this bill to committee.

Interjections.

The Speaker: Order. Could I ask the government members to come to order while the member asks his question? And while the member from Haldimand–Norfolk–Brant asks his question, could you put away that prop? It has become a prop now. Thank you.

Mr. Barrett: Premier, now we see your Chrétien crony, Warren Kinsella, lobbying your cabinet directly to send this bill to committee, never to be seen again. Obviously, Warren Kinsella is more powerful than your Minister of the Environment.

Premier, my question is about your judgment; my question is about your integrity. Why would you allow the main lobbyist against one of your government's bills into your cabinet meeting, as we now know, while the bill is still before the Legislature? Why would you do that?

Hon. Mr. McGuinty: The member is in effect questioning this government's commitment to the environment, and I want to tell you about some of our initiatives. We've increased the operating budget by 12.5%, notwithstanding our deficit. We've hired 33 more water inspection staff, increasing the number by 25%. So far, we have cut electricity generation from our dirty coal

plants by one third. We've already fulfilled 28 recommendations of the Walkerton inquiry. We have received the proposals for 395 megawatts of new renewable energy.

Ms. Marilyn Churley (Toronto–Danforth): Is that all?

Hon. Mr. McGuinty: We're investing \$400 million to support source-to-tap drinking water initiatives.

I am never looking for endorsement unqualified by the critic for the environment of the NDP but I think, for most objective people, we're doing a pretty good job.

HEALTH CARE

Mr. Howard Hampton (Kenora–Rainy River): My question is for the Premier. Yesterday you said that New Democrats "enjoy bringing families into this place on a regular basis." You said that that may be the leader of the third party's style, "but it's certainly not my style, and I want to make that perfectly clear." Yes, Premier, while you're listening to developers at a \$10,000-a-plate dinner and while you invite your cronies like Warren Kinsella to cabinet meetings, I'm determined to make sure that ordinary families are heard in this place.

I'll tell you what their priority is. They want to know about our health care system and waiting lists, because they're still waiting. They're still waiting for what you promised. So far, they're paying more for health care and getting less health care. Premier, how much longer will ordinary Ontario families have to wait before you keep your promise to shorten wait times at our hospitals?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Well, we already have. And I'm pleased that yesterday a report came out that was made public, where we established a baseline against which the members opposite and the people of Ontario will be able to measure our progress. No government before us had the fortitude and the commitment to take that on. This is not an easy thing to do.

As I said a few moments ago, we have made some specific investments to reduce those wait times by increasing volumes. We had 1,680 more hip and knee replacement surgeries that we funded in a very specific way, 1,700 more cancer surgeries, 7,800 more cardiac procedures, 2,000 more cataract procedures.

Just recently, notwithstanding the agreement that the leader of the NDP criticized that we've entered into with the doctors, we are lifting the cap on specialists, because we've all heard those stories about doctors working eight or nine months of the year, not because they chose to but because they weren't being paid to work longer. And we've all heard about the patients waiting in line—

The Speaker (Hon. Alvin Curling): Thank you. Supplementary.

Mr. Hampton: This is certainly an exercise in spin, because the wait list report that I read yesterday said that waiting lists are dangerously long in some cases.

I want to talk about another wait list. Ontario families are waiting and worried about the prospect of more cuts

by your government to our hospitals. You forced our hospitals to submit reports on what services they would cut as a result of your underfunding. We're now into the new fiscal year and they still haven't heard where your government is going. Will you force them to shut more beds, lay off more nurses, eliminate more services? Premier, how much longer will ordinary Ontario families have to wait before they learn about more cuts by the McGuinty government to their local community hospitals?

Hon. Mr. McGuinty: I know the leader of the NDP would like to convey that we've been cutting, but I don't call investing close to \$3 billion more in health care a cut. I don't call investing close to \$1.7 billion more last year alone in our hospitals a cut. We're now working with our hospitals to ensure that they can balance their budgets.

I want to remind you of something that the NDP did when they had the privilege of serving Ontarians as a government. They cut medical school spaces for doctors. They cut our hospital budgets by \$268 million. They cut funding for OHIP by \$315 million. Again, compare and contrast. Those were real cuts; they were specific cuts. On the other hand: \$3 billion more in health care and \$1.7 billion more in our hospitals.

Mr. Hampton: The Premier might want to recognize that someone named Paul Martin cut all budgets for all provinces in terms of medicare.

But I want to ask the Premier about this. Your Minister of Health today announced that the plan is to start centralizing hospital services, to take them out of some communities and centralize those services in other places. Premier, I want to ask you what this means for people in northern and rural Ontario who, in some cases, already travel hundreds of kilometres. What does it mean for them when your Minister of Health starts taking hospital services out of their community and centralizing them somewhere else? How long will patients have to wait? How far will they have to drive in order to get the hospital services that right now are being provided in their home community?

Hon. Mr. McGuinty: Obviously, there will be some cases where it makes sense to consolidate, as in larger urban centres. But there are some other areas—northern and rural communities—where we are not going to compromise accessibility to good, quality health care. That is not our intention. We are bound and determined to move forward in a way that makes sure that all Ontarians are getting the very best for the limited amount of money that we have available to invest in health care. Yes, we have invested \$3 billion more in health care, we've invested \$1.7 billion more specific to hospitals and we feel a corresponding responsibility to make sure we're using that money in the best way possible. So, yes, we are looking at the kinds of things that the member referenced, but not in a way that's going to compromise accessibility to good, quality health care in our northern and rural communities.

GOVERNMENT SERVICES

Mr. Howard Hampton (Kenora-Rainy River): Premier, I want to ask you about some other wait times: the wait time for you to keep your promises; the wait time that autistic children and their parents have already put in. They're waiting for you to respect their constitutional rights and human dignity. They're waiting for you to stop denying the IBI treatment to them that you promised during the election. They're waiting for you to stop dragging autistic children and their parents through the courts. They're waiting for you to keep your promise. How long are autistic children and their parents going to have to wait before you keep the promise you made to them before the election?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The leader of the NDP would create the impression that our government is not committed to children in the province of Ontario. I want to tell you about what we've done so far. In our first year alone, notwithstanding the \$5.6-billion deficit we encountered—the leader of the NDP doesn't believe the deficit is any kind of an issue and should not factor in in any way when it comes to delivering, but let me tell you about some of things we've done.

First and foremost, we have created a ministry responsible for children and youth services—the first government in Ontario. They had their chance and they chose not to do that. We have invested \$156 million over three years for a new vaccination program: free vaccines for children in Ontario. We've invested \$1.1 billion, as well, in our first year in new education funding. I look forward to telling the member more about some of the new investments we're making for Ontario's children.

1410

Mr. Hampton: The question was, how long will autistic children and their parents have to wait for the Premier to keep the promise he was so proud of and easily made before the election?

I want to ask about another wait list. I want to ask about the 158,000 families in this province who are on a wait list for affordable housing, the one out of five tenants who are at risk of becoming homeless. You promised them 20,000 new affordable housing units. We got it from the assistant deputy minister today. Do you know how many you've built? Eighteen. Eighteen out of 20,000. Those people will be on a waiting list for the rest of their life. Premier, those people are waiting for you to keep your promise. How long are those people who need affordable housing going to have to sit on a wait list for you to keep your promise?

Hon. Mr. McGuinty: The Minister of Public Infrastructure Renewal.

Hon. David Caplan (Minister of Public Infrastructure Renewal): Affordable housing is an area we've made significant progress in. In fact, we've announced funding for 3,600 units of affordable housing, the single largest affordable housing expansion in the last decade in the province of Ontario. In addition to that, my colleague the

Minister of Municipal Affairs has introduced a rent bank in Ontario to help low-income tenants have housing security. In addition to that, I have announced project development funding up to \$100,000 available to community groups and organizations to develop affordable housing proposals that we can fund jointly between the federal, provincial and municipal governments.

This government has done considerably more than previous governments did as far as delivering affordable housing is concerned. I'm very proud of the record and I think the members opposite would want—

The Speaker (Hon. Alvin Curling): Thank you.

Interjections.

The Speaker: Let's get some order.

Mr. Hampton: The question was about affordable housing. I wasn't ready for the Minister of Housing to launch into a sales campaign for upscale condominiums.

I want to ask about another waiting list: This is children and families who are waiting for child care. They're waiting for the McGuinty government to invest the \$300 million of provincial money that you promised would be invested in child care. They are waiting the 10 years it will take for your Best Start program to be implemented. They're waiting for the Premier to keep his promise.

I say to the Premier: Stop listening to your \$10,000-a-plate private developer guests, stop inviting Warren Kinsella to your cabinet meetings, and tell the people waiting for child care when they are going to see the \$300-million investment in public, regulated, affordable child care that you promised before the election.

Interruption.

The Speaker: Order. May I ask the people in the gallery not to partake in the applause. You are welcome here, but are not in any way to demonstrate in any sort of demonstration. If you persist, we may have to ask you to leave.

Minister?

Hon. Mr. Caplan: I'll refer that to the Minister of Children and Youth Services.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): We are embarking on the most ambitious and most progressive expansion of child care in the history of this province. For the first time in a decade, we invested in new child care spaces. We are not only on our way to creating the 4,000 spaces this year, but surpassing the number of spaces. I also want to inform the honourable leader of the third party that \$600 million a year is presently spent on child care. Less than 10% of that is federal money; the majority of it is provincial money. I'd also like to inform the leader, if he missed the announcement of our Best Start plan in December, that phase one starts immediately—not in 10 years, but immediately, in the fall—with wraparound JK and SK programs. We have three demonstration sites that will fast-track the whole program, which will inform us and guide us in our implementation.

TTC SERVICE

Mr. Frank Klees (Oak Ridges): My question is to the Premier. I want to raise an issue today that I'm sure you'll agree is on the minds of some 1.3 million people in the GTA, users of the TTC. Every day some 35,000 passengers use the TTC just to come to work in the city. In every sense of the word, I'm sure you'll agree that the TTC is an essential service. What we would like to know is whether or not you have, in place and ready, draft back-to-work legislation if indeed—

Mr. Gilles Bisson (Timmins–James Bay): They haven't even finished negotiations.

The Speaker (Hon. Alvin Curling): Order. Member from Oak Ridges, complete your question, please.

Mr. Klees: I appreciate the help from our friend. In the event that we face a strike, Premier, do you have back-to-work legislation in place to ensure that people can in fact use that TTC service on Monday?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I'm going to acknowledge the wisdom of the NDP in this regard. I think we owe it to the parties to allow them to continue to negotiate. I'm not as pessimistic as the member opposite. Believe me, I've given this some thought. In fact, there are two members of my household who are reliant on a daily basis on the TTC.

I can say that we are ready, willing and able to offer whatever assistance the TTC folks might require, if there's any way we can act to help to broker a solution that serves the interests of all the parties and, of course, most importantly, the public. But I think we owe it to the parties involved to give them time to work things out.

Mr. Klees: Premier, I also think you owe it to some 1.3 million users of the TTC to be prepared. We hear—and the media are full of reports—that a strike could be upon us by Monday. On behalf of the 1.3 million users of the TTC, apart from all of your good intentions, we would like to know: Are you prepared, and will you in fact step in to ensure that those 1.3 million commuters will have a way to get to work on Monday?

Hon. Mr. McGuinty: I understand that TTC users are concerned, but I also think that, were they given the opportunity to hear us converse about this today, they would think it is reasonable and appropriate that we allow the parties involved to continue to speak, to let them know that we are united here in this House when it comes to them coming up with a resolution that ensures that service remains uninterrupted.

I've been handed a note here saying that we have our director of labour management services at the table, assisting the parties in any way we can. I remain optimistic, and I would recommend to the member opposite that he do the same.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): I have a question for the Minister of Children and Youth Services. On

February 24, you told my colleague from Beaches-East York that there had been 1,200 children on the waiting list for IBI and that your government had decreased that waiting list to 800 children. Can you tell me, of the 400 children who came off the waiting list, how many of them actually qualified for and started IBI?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for the question. I can get the specific numbers to the honourable member by the end of the day.

I am very proud of the fact that we did reduce the waiting list for assessment by 72%, because, quite frankly, kids were waiting on the waiting list to get assessed, first of all, on whether they truly had autistic spectrum disorder and, second, whether they qualified for IBI. We've reduced that list by 72%. We've also increased by 25% the number of children under the age of six who are receiving IBI therapy.

I'd be pleased to get that specific number to the member by the end of the day.

1420

Ms. Martel: I actually asked the ministry for this specific information over a month ago, and the reply I got back yesterday never answered the question. I think the reason I didn't get a straight answer is that you and the ministry would like the public to believe that once people come off the waiting list for an assessment, they automatically get IBI service, when nothing could be further from the truth.

You told this House in November that, under your government, 250 children have come off the waiting list, and you wanted to leave the impression that these children got IBI. But your ministry had to provide information to the public accounts committee in December that showed that of the 250 who came off the list, 91 never qualified, never received a day of IBI at all. I think that same thing has happened to the 400 children who you now claim have also come off the waiting list.

Minister, I ask you again, of the 400 children who you claim have come off the waiting list, how many actually received IBI?

Hon. Mrs. Bountrogianni: I'm disappointed that the honourable member would actually believe that I would want to mislead the parents on the waiting list. I've always said that this is a very difficult file, a very difficult challenge. The number that I do know to be a fact is that 25% more children are accessing IBI treatment. I will endeavour to get the specific number the honourable member asks by the end of the day. I will try my best.

VETERANS

Mrs. Donna H. Cansfield (Etobicoke Centre): My question is for Minister Gerretsen, who is responsible for seniors. Like virtually everyone in this House, I have veterans in my community such as Bruce Melanson, who was responsible for spearheading the Juno Beach memorial. May 8 is VE Day, Victory in Europe Day. I'd like to

ask what we're planning to do as a government to acknowledge those veterans in our community.

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I thank the member for her question. It's certainly relevant as we get closer to May 8.

On May 8 our government, in co-operation with veterans from Ontario, Veterans Affairs Canada and the city of Toronto, is planning the 60th anniversary celebration at Exhibition Place. As many of you may know, Exhibition Place played a significant role during the Second World War, serving as a barracks and training centre for troops. So it's a very appropriate place to hold these kinds of celebrations. There will be four components to the day: There will be a victory parade, a reflective ceremony, historical exhibits and a victory dance.

It will also launch the kickoff of the Memory Project Road Show, which will visit seven different communities throughout Ontario to record the veterans' stories to ensure they can be shared with future generations.

Mrs. Cansfield: That's wonderful to hear. The Dominion Institute and Rudyard Griffiths have done phenomenal work dealing with the memory workbook and ensuring that the stories of the veterans are here for all of us in the future. I guess I'd like to know—it's a wonderful opportunity—who is coming to the party. Who gets invited?

Hon. Mr. Gerretsen: We're obviously inviting the veterans and their families, but we're inviting the general public as well to come to Exhibition Place on May 8. We hope to see many members of the House there as well, or, if they're not able to come, to join similar festivities throughout the rest of Ontario.

This is the Year of the Veteran, in which we recognize the tremendous contributions of veterans of not only the Second World War but of other wars that Canada has been involved in over the last century or so. We ask everyone to remember that these men and women gave unselfishly of their lives and made a tremendous contribution so that you and I can enjoy the kind of country we have today. I invite everyone to Exhibition Place on May 8 to truly remember those veterans who did so much for us.

LABOUR UNIONS

Mrs. Julia Munro (York North): My question is to the minister of democratic renewal. Since coming to office, you and your government have claimed repeatedly that you stand for democratic renewal. In a press release on March 7, you claimed, "The McGuinty government is continuing its efforts to strengthen Ontario's democracy." Then why, Minister, is your government removing the democratic right of Ontario construction workers to decide whether or not they want to join a union? As the minister in charge of safeguarding the democratic rights of Ontarians, why do you support abolishing the secret ballot for construction workers?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): If the question is about democratic renewal, I'm happy to speak to the most ambitious democratic renewal agenda in the history of Ontario. However, I think the question was really more about labour relations, and I'm happy to say this to the member and provide any further details in the supplementary.

We are delivering real, positive change by introducing fair and balanced legislation that would promote labour stability and make Ontario strong, healthy and prosperous. What this is going to mean, contrary to what the member suggested, is that, if this bill is passed, we would be restoring powers to the Ontario Labour Relations Board to ensure that they could effectively deal with circumstances where an employer or union violates the Labour Relations Act during an organizing campaign, and I know the member would want to support that.

Mrs. Munro: Your government has devalued faith in our public institutions through your broken election promises. You claim to promote democratic renewal, yet when the people chose your platform in the last election, you betrayed them. Now you will not even allow workers in one industry to have a free choice through a secret ballot. Secret ballots are used in our elections to promote free and fair voting, to guard against intimidation or bribery of voters. Minister, will you guarantee in this House today that no Ontarian whose right to a secret ballot is protected by our laws will have that right removed by your government?

Hon. Mr. Bryant: I'm surprised to hear this. Bill Davis thought this was the right approach, and I'm surprised John Tory doesn't think this is the right approach. This bill would restore the Ontario Labour Relations Board's power to certify a union as a remedy where there has been employer misconduct during a certification campaign or an organizing drive. The OLRB would also be given the power to order a first-representation vote as an alternative to remedial certification where a union fails to obtain membership support sufficient for a first-representation vote as a result of employer misconduct.

It is balanced. It is fair. It was good enough for Bill Davis. I know this is not the approach John Tory is taking, but we believe this fair and balanced approach is in the best interests of Ontarians.

AFFORDABLE HOUSING

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Public Infrastructure Renewal. Earlier today, people gathered in this Legislature and listened to housing analyst Michael Shapcott provide an update on your government's housing initiatives.

To put it bluntly, your government should be ashamed of itself. In a report dated April 5, 2005, signed by the ADM of the housing division, he says that you built only 18 units in the province in the fiscal year 2003-04, and of those 18, the province only funded 11. The federal government has committed \$358 million toward a program,

but Ontario is a non-player. In the three years since that has been signed, you are no different than the Conservatives. You have done absolutely the same as them. You have chosen to build nothing. Your government's record on housing is nothing short of a disgrace.

Will you do the right thing for hundreds of thousands of Ontarians and match the federal housing funds so we can finally do something to alleviate the crisis of housing in this province?

Hon. David Caplan (Minister of Public Infrastructure Renewal): I'm not surprised that a former NDP candidate would be critical of our government, but here are the facts, unlike what the member opposite has presented.

The city of Peterborough: two housing projects, 90 units, \$3.4 million.

The city of Ottawa: six housing projects, 298 units, \$8.1 million.

The city of Kingston: three housing projects, 105 units, \$1.9 million.

The city of Toronto: eight housing projects, 895 units.

Region of Peel: three projects, 384 units, \$5.5 million.

Region of York: two projects, 118 units, \$3.2 million.

City of Hamilton—I recall the member for Hamilton East came and lobbied me specifically for those two projects: 60 units, \$1.6 million.

Simcoe region: two projects, 45 units, \$1.2 million.

Niagara: eight projects, 188 units, \$4.8 million.

1430

Mr. Prue: You know full well that none of these housing units have been built and occupied. You know that they are all a dream in your head. You know that they are announcements. You know that they are nothing except what you read from a piece of paper.

Minister, the most recent example of your lack of progress came from ISARC today, who was meeting here. They come here twice a year. Not one Liberal chose to show up to address them about your housing units, because you can't.

I want to tell you that they have passed a motion, and I'd like to read it to you. It is their motion, not mine. They simply ask that your government include in its 2005 budget a socially and fiscally responsible affordable housing budget program that includes, number one, at least 9,300 new social housing units; number two, \$72 million for 2,400 social housing units as Ontario's share of the federal-provincial affordable housing program, 37,000 new rent supplements and \$200 million for housing rehabilitation.

Minister, will you commit to that? Will you do it?

Hon. Mr. Caplan: It's very interesting. I attended the Ontario Non-Profit Housing Association. Not one member of the NDP even bothered to show. So I don't take any lectures from that member when it comes to supporting housing providers in this province.

But I want to continue.

Region of Waterloo: 15 housing projects, 597 units, \$8 million.

City of London: seven housing projects, 251 units, \$6 million.

Wellington county: four projects, 94 units \$2.4 million.

Home ownership alternatives: This member knows we've already broken ground at the Scarborough site. He was there at the announcement, so I don't understand the over-the-top rhetoric from earlier. Some 382 units, \$2.3 million.

Frontiers Foundation, a wonderful partner project: one project, 100 units.

That's 66 projects, 3,607 units, \$75 million. We have put \$85 million in the budget—

The Speaker (Hon. Alvin Curling): Thank you.

ADOPTION DISCLOSURE

Mr. Brad Duguid (Scarborough Centre): My question is to the Minister of Community and Social Services. As the minister knows, adoption is a very sensitive issue, especially if you're a birth parent or an adoptee.

I was reading an article on the weekend on this very issue, about how some adoptees would rather not contact their birth parents whereas others have wonderful stories of reuniting with their birth parents.

Through the legislation that you put forth last week, what provisions are there in the bill that allow for no contacts if either party wishes not to be contacted and what provisions are in place to ensure that those who wish to be contacted can be contacted?

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): What's important to note about the adoption bill—and it is a proposed bill which will have hearings and we'll have ample opportunity to hear feedback from all our communities. I can tell you that, overwhelmingly, the response has been incredibly positive. All members of this House likely have been receiving the same kinds of e-mails from around the world and certainly here in Ontario. We appreciate that kind of feedback.

On the notion of people who do not wish to be contacted, it's important to remember that we are proposing the inclusion of a no-contact notice. What people will have an opportunity to do is place "no contact" on their file. If they should do that, they would then be asked to fill in several forms which gives us a wealth of information that potentially would include their medical information and perhaps the circumstances surrounding the adoption. That's the type of thing that people typically want to know about their history.

Mr. Duguid: I'm glad to hear that this government is respecting a person's right to choose if they will or will not be contacted by their birth parent or child. It's very important that we never forget that. Balancing the rights of a birth parent to not be contacted with the needs of an adoptee is very challenging, but I believe this government has struck the proper balance. Minister, can you tell us what the reaction of adoption agencies and organizations has been on this matter?

Hon. Ms. Pupatello: We had the opportunity to hear from a number of organizations prior to the introduction

of the bill, where they participated literally at our table in the development of it, where they were very critical, for example, of initial conversations. As we move forward in its development, they are either still offside or onside. The point is, we were very prepared to listen to all sides of what in some instances can be fairly controversial.

There is the issue around retroactivity. May I just say clearly, it is important to note that retroactivity is the fundamental part of introducing the bill. It is for the 250,000 records here in Ontario. Organizations like the Ontario Association of Children's Aid Societies have been tremendously supportive of us. They understand that since the 1980s, the shift had already begun about the secrecy around adoption, and that they would counsel parents when adopting to make sure that children knew they in fact were adopted.

JUSTICES OF THE PEACE

Mr. Cameron Jackson (Burlington): My question is for the Attorney General. On March 2, Keith Bird, Oakville councillor and chair of the Halton Police Services Board, wrote you a rather lengthy letter expressing concern that Halton, in particular, and the southwest region were short some nine provincially appointed justices of the peace and that that shortfall was destined to grow to about 16. In a report by the Ontario Association of Chiefs of Police, who wrote to you last December, they expressed this alarm that there could be a shortfall of over 100 justices of the peace. Minister, considering your responsibility as the chief minister responsible for the administration of justice in our courts in this province, why have you not been able to respond to not only the police but to court officials who are concerned that delays may compromise our justice system in Ontario?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): As the member knows, having served in government, the process for filling justice of the peace vacancies is initiated at the request of the Associate Chief Justice, co-ordinator of the justices of the peace. We then respond to those and come forward with appointments, as appropriate. In some cases, it is about taking non-presiding or part-time justices of the peace and making them full-time; in some cases, it is making new appointments.

Last December, I announced the appointment of three new full-time presiding justices of the peace and announced four part-time non-presiding JPs to be re-appointed on a full-time basis. We are also undertaking a reform of the appointment process to create a more transparent and independent process for appointing justices of the peace. But I say to the member, I will certainly consider the request as the Associate Chief Justice brings forward recommendations that affect your riding.

Mr. Jackson: They don't affect my riding; they affect every corner of the province. Apparently we're short 100 JPs, and we're not getting a valid response.

In the report from the chiefs of police, here is the kind of pathology that we're experiencing in our court system: As of this date, 50 Provincial Offences Act court days in Milton and Burlington were lost; for part III trial dates for the most serious traffic offences, involving alcohol and careless driving, there are no available dates until after August; there are very few to no available trial dates for Oakville platoons until the fall of 2005; there are no lengthy trials being accepted in Halton because it ties up too much court time; and 41 Liquor Licence Act charges were stayed by the provincial prosecutor due to a lack of court time.

Minister, these are serious concerns, signed by the chiefs of police of our province, saying that our court system needs your attention now. When will you answer the chiefs of police? When will you reassure the public that prosecutions will occur—

The Speaker (Hon. Alvin Curling): Thank you. Attorney General?

Hon. Mr. Bryant: I want to assure the member that I'm working with the Associate Chief Justice to ensure that—the member is right—every corner of the province in fact receives the justice system—and a timely justice system, at that—that they deserve. The appointments that I made were in Newmarket, Kitchener and Toronto, as well as in Cornwall, London, Sault Ste. Marie and Dryden.

As for the chiefs of police, I want to thank the chiefs of police for their support of the justice of the peace bench modernization project that we are undertaking. They are very supportive of our approach with respect to the way in which we are going to be appointing justices of the peace, and I can tell you that they see it as a vast improvement over the way in which the previous government did. I will continue to ensure that our justice system has the tools in place—whether it be Ontario Court of Justice appointments or JP appointments or other court officials—to ensure that people get timely justice in the province of Ontario.

1440

CHILD CARE

Ms. Andrea Horwath (Hamilton East): My question is to the Minister of Children and Youth Services. If you don't heed the very best advice on child care, you won't be able to provide the universally accessible high-quality regulated child care in Ontario that you've promised. Today, the Ontario Coalition for Better Child Care issued a negative assessment of your child care program in Ontario. The coalition notes 10 serious deficiencies in your Best Start program. For example, you won't be providing child care to families with infants and very young children ages zero to three or for kids over six. Families need child care now, yet you're content to have them wait 10 years at least for child care. Minister, why are you making families wait 10 years for child care for their infants, very young children and kids over six?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for her question. Nothing could be further from the truth. We have already established 4,000 new spaces this year—actually, we've surpassed our goal of 4,000; the first new spaces in a decade. The first phase of our Best Start plan starts immediately, in September: the wraparound JK and SK. As well, communities have the flexibility to give proposals to us for the younger groups. We have to be flexible for the rural and urban communities.

This is the biggest expansion of child care in Ontario's history, and I know the honourable member knows that. In fact, her riding has one of the three demonstration sites which will fast-track the full Best Start plan and model, which will inform us in implementing Best Start in the years to come.

Ms. Horwath: Well, Minister, your response reminds me of a famous children's story: the emperor has no clothes. Is this a Best Start or a better-than-nothing child care program? What the coalition is urgently trying to tell you is that it's not good enough. We're hoping for visionary leadership here, and we're disappointed that none has emerged. On this side of the House, we have been connecting with real people and listening to what families are saying.

Minister, why don't you try playing the visionary today? Send a strong signal to these very families and advocates and commit to a vision of provincially funded not-for-profit child care spaces for children of all ages. Tell the big-box for-profit child care retailers that they're not welcome here. Will you please speak up for non-profit child care all the way, Minister, or will you stay silent and let this big-box private industry come into Ontario?

Hon. Mrs. Bountrogianni: I have to say that I am disappointed in the coalition's response to our Best Start plan. I respect their opinion and their right to their opinion. I'm meeting with them again this afternoon, but I believe they are wrong. I believe that in most of their criticisms, they are completely wrong. In some, there's room for agreement. And I am very disappointed in their response to our Best Start plan.

Let me tell you what other groups say about our Best Start plan. Jane Bertrand from the Atkinson Centre, Human Development and Applied Psychology at OISE: "The framework is there for transformation to happen. This is the best thing that has happened since McCain and Mustard issued their Ontario Early Years Study, 1999. Finally, the key recommendations of their report are on the road to being implemented."

As well, Mayor Miller, the mayor of the city of Toronto—

Hon. Joseph Cordiano (Minister of Economic Development and Trade): No, not that NDP mayor.

Hon. Mrs. Bountrogianni: Yes, that NDP mayor: "We're pleased that the province is listening to what Toronto and other cities have said about child care and early learning."

I'm very proud of our Best Start plan. It is visionary, it does create a seamless stay for parents, and there will be curriculum development. All of the criticisms that are unfairly put forward by the Ontario coalition are actually being addressed.

ASSISTANCE TO FARMERS

Mr. Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Agriculture and Food. I have been receiving calls from my constituents, and I'm sure others have received calls as well in this matter. They're trying to understand how they can access the \$79 million in market revenue funds for our grains and oilseed farmers that you just recently announced. You've stressed that these funds will flow in time for spring planting, and I note that the machinery is coming out of the sheds and farmers are preparing for the springtime as the weather warms up in recent days.

All of us want to make sure that our farmers are given the opportunity to access the funds in a timely way. How will this support be delivered, and what do my constituents have to do in order to qualify for these funds in a timely manner for this spring?

Hon. Steve Peters (Minister of Agriculture and Food): I would like to thank the member from Chatham-Kent for the question and just welcome a good friend of mine, Dave Kerr, here to the Legislature today.

Those farmers who were eligible under the market revenue insurance program will not have to do anything. Agricorp, which delivers our financial assistance programs, has all that information, and those cheques will be very quickly delivered in the mail. We made it clear when the \$79 million was announced to help our grains and oilseeds farmers that it would flow in exactly the same fashion as the \$88 million that was delivered under the market revenue program in March. We wanted to make sure, and we will make sure, that farmers receive this assistance before spring planting.

There will be, though, a handful of producers who have not enrolled in the program. The deadline was at the end of February. I encourage those producers who have not received a cheque to contact Agricorp. We'll ensure that they do become registered and enrolled.

Mr. Hoy: My constituents appreciate the delivery of Ontario's full share, its full portion of assistance, under the 2004 MRI program. I've received lots of compliments that should be directed to you for your endeavour in this. I know many farmers are breathing a sigh of relief with this new funding. But in addition to the immediate concern, I know that farmers are also thinking forward to what will happen in 2005 and beyond. They will be heading to their fields soon, but they do have a concern about the future.

You established a business risk management advisory group to look at the system that we have now and to provide direction on where we go from here. Could you give us an update on what is happening to this date?

Hon. Mr. Peters: I'm extremely proud of the advisory group that we have appointed. They have had their first meeting and they have been given their mandate. We have instructed them to take a step back from the immediate issues that we are dealing with and to look at developing options for the long term. The previous government dropped the ball in that regard. In 2001, the minister at the time talked about the made-in-Ontario safety net solution that they were going to have, and they didn't bring any plan forward. We recognize that the assistance that we have provided is for the short term and we do need to look at the long term. That is what I've asked the advisory group to do: to look at how the CAIS program is working and what the shortfalls are within the CAIS program; how is the production insurance program working and how is it not working?

I also want to stress that this is a very encompassing process, and I want to encourage farmers and commodity organizations to use this as an opportunity to put your position forward and help us plan for that long-term safety net program.

KARLA HOMOLKA

Mr. Robert W. Runciman (Leeds-Grenville): I have a question for the Attorney General. As the Attorney General will know, 89 days from today, Karla Homolka is slated to be released from Joliette prison in Quebec. Yesterday, I tabled a resolution in this House that will be debated next Thursday. One element of that resolution calls on the House to "immediately convey to the Attorney General of Quebec the recommendation and request of this Legislature to the Attorney General of Quebec that, should Karla Homolka indicate plans to reside in Quebec or not disclose such information ... the Attorney General of Quebec invoke section 810.2 of the Criminal Code prior to her release to seek an order from the court to protect the public, especially by including a reporting-to-police clause in any recognizance she is required to enter into."

Could the minister indicate to the House today what position his government will take on this resolution, and especially this specific aspect?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): First, I'd say to the member that I know he will want me and our government to be working closely with the victims and the family victims on this particular issue. I have said before and will say again that we are working with all our provincial partners to ensure that all legally available means to protect the public, including a recognizance order, are available and in place when she is released.

I do want to provide the member with some details, and I will be providing the member and the House with some details at the appropriate time. The appropriate time is once I have had the opportunity and am satisfied that the victims themselves involved here have had appropriate notice and have been given the opportunity to

provide some feedback. I know the member will also want us to respect the victims' rights in this regard. I can assure him that we will be providing all that information and all those details when the appropriate time comes, and he will be the first to learn.

1450

PETITIONS

HURONIA REGIONAL CENTRE

Mr. Frank Klees (Oak Ridges): I have a petition here, "Save Huronia Regional Centre, Home to People with Developmental Disabilities." It's addressed to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign this petition, and I trust the government will respond accordingly.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): I keep getting petitions about the special bridge on St. Clair Avenue West and Old Weston Road. The petition reads as follows:

"Whereas GO Transit is presently planning to tunnel in the area just south of St. Clair Avenue West and Old Weston Road, making it easier for GO trains to pass a major rail crossing; and

"Whereas the TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair-Old Weston Road bridge; and

"Whereas this bridge (1) will be too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; and (2) won't be safe for pedestrians and (3) creates a divide, a no man's land, between Old Weston Road and Keele Street. This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes;

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead, it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

Since I agree with this 100%, I am delighted to sign my name to it.

HURONIA REGIONAL CENTRE

Mr. Norm Miller (Parry Sound-Muskoka): I have a petition to the Legislative Assembly of Ontario.

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I've signed my name to this petition.

WOMEN'S SHELTERS

Ms. Marilyn Churley (Toronto-Danforth): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas abused women need safe places to go, in the form of shelters, to flee abusive situations;

"Whereas shelters are being forced to turn away women in need as they are filled to capacity;

"Whereas shelters are scrambling to raise the money they need to keep up with the rising demand for services;

"Whereas shelters, especially in poorer regions of the province, cannot rely solely on fundraising dollars to meet program and bed shortages;

"Whereas the Dalton McGuinty Liberals promised to provide adequate, sustained funding to shelters when they signed the emergency measures document brought forth by the cross-sectoral Violence Against Women Strategy Group in 2000;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Immediately ensure stable funding for women's shelters by providing annual funding increases linked to inflation and need."

I will affix my signature because I fully support this petition.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly from a group of parents on Harvey Crescent in Mississauga.

"Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Be it therefore resolved ... that the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

It's a good petition. I agree with it. I'll sign it, and I'll ask Alexandre to carry it down for me.

VOLUNTEER FIREFIGHTERS

Mr. Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

"Whereas the Ontario Professional Fire Fighters Association has declared their intent to 'phase out' these double-hatter firefighters; and

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario; and

"Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employ-

ment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

This is signed by a number of my former constituents and, hopefully, future constituents in Puslinch township. I certainly support this petition.

HURONIA REGIONAL CENTRE

Mr. Brad Duguid (Scarborough Centre): I have a petition here that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

1500

LESLIE M. FROST CENTRE

Ms. Laurie Scott (Haliburton-Victoria-Brock): "Save the Frost Centre.

"To the Legislative Assembly of Ontario:

"Whereas the Leslie M. Frost Natural Resources Centre has a long history in the county of Haliburton and provides an important historical link dating back to its use in 1921 as a chief ranger station; and

"Whereas the history in the use and management of natural resources in Ontario stretches back to the 1600s and forms an integral part of the overall history of the province and Ministry of Natural Resources, and the

history of the ministry and the Frost Centre itself easily qualifies as a significant historic resource; and

"Whereas the Minister of Culture, Madeleine Meilleur, has said, 'The McGuinty government values and is committed to conserving Ontario's heritage for the enjoyment and benefit of present and future generations'; and

"Whereas the Frost Centre is an important educational resource for the community, being described on the Ministry of Natural Resources Web site as 'Ontario's leading natural resources education, training and conference centre'; and

"Whereas closure of the Frost Centre would cause economic hardship in the local communities of the county of Haliburton and district of Muskoka due to direct job losses and loss of tourism dollars spent in local communities; and

"Whereas the local community has not been consulted about the closure plan;

"We, the undersigned, petition the Parliament of Ontario as follows:

"The Dalton McGuinty Liberals should not close the Leslie M. Frost Centre."

It's signed by many people from my riding, and I support that.

ORDERS OF THE DAY

LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

Resuming the debate adjourned on March 31, 2005, on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

The Speaker (Hon. Alvin Curling): Ms. Broten has two minutes for a response.

Ms. Laurel C. Broten (Etobicoke–Lakeshore): I'm pleased to respond to the members for Halton, Niagara Centre, York Centre and Simcoe North, who made comments on our last day of debate. I want to respond in particular to two points that were raised.

The first was, why start with marijuana and why not start with an entire program on many other fronts? According to Forbes, the US business magazine, which is very well known, the marijuana industry has emerged as Canada's most valuable agricultural product, bigger than wheat, cattle or timber. Forbes also suggests that the Canadian marijuana trade is worth about \$4 billion. That is why I believe starting with marijuana is a good place to have started.

The other issue is that marijuana grow-ops are a profitable business and so are attractive to gangs and organized crime. That is another great reason to start here in dealing with marijuana grow operations and combating those indoor residential operations.

We've also listened very closely and worked closely with law enforcement officials who indicate that the majority of the marijuana harvested in Canada is exported to the United States in exchange for guns and other drugs, such as cocaine. So, in turn, by dealing with the issue of marijuana grow operations in Ontario and really cracking down on these residential operations, we will have a cumulative effect on the other drug imports into Canada and the sale of other drugs, such as cocaine, that come into our country.

Another issue that was raised was that, instead of hiring 1,000 police officers—I want to say loud and clear that our government is committed to funding the hiring of 1,000 police officers on a cost-shared basis with municipalities. We're talking right now with police services, municipalities and others about how we're going to get these officers into our communities, working on high-priority issues, and on our streets in each of our communities, like my own in Etobicoke–Lakeshore.

The Speaker: Further debate?

Mr. Frank Klees (Oak Ridges): I'm pleased to rise and speak to this bill before us, the Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005, Bill 128.

At the outset, I want to commend the minister for bringing forward this legislation. I made that statement during second reading debate as well. I have the highest regard for the Honourable Monte Kwinter, and I know that he has the best interests of community safety in mind when he brings this legislation to the House. I also have the highest regard for the police services in our province, who carry the burden of ensuring that—whether it's this legislation or other statutes, it is to enforce those statutes and to ensure that the intent of this House is in fact carried out.

Where I have some concerns—this is not by way of being negative, or in any way wanting to take away from the legislation itself or the intent of the legislation. Rather, it's with a view to being helpful in terms of ensuring that we achieve the objective that has been spelled out by the minister and by the government as inherent in this legislation, and that is to make our communities safer. It goes to the heart of what is missing in this legislation, because what we effectively have here is

yet one more zero-dollar announcement by this government.

Statutes in and of themselves are empty if there aren't the resources and the funding available to ensure that the intent of the legislation can in fact be carried out. So in this case, I want to ask the government: Where are the 1,000 new police officers that they promised during the election campaign, when they were scratching for votes behind every issue? There seems to be no promise large enough, no issue that they couldn't find at least 10 or 12 promises to attach to.

The people of the province listened to those commitments. The people of this province took Mr. McGuinty and the various members who were on the election campaign trail at their word. They wanted to believe that behind the rhetoric of the promises was substance. We have now had this government in office for more than two years, and where are the results?

Well, we have before us a piece of legislation, Bill 128, that is intended to address the issue of marijuana grow operations. It's a serious issue. I want to relate just one example in my own riding. This is in the town of Richmond Hill. This was really the first time that I came face to face, as a member of the Legislature, with the various implications of these grow-ops: how practical it is and how devastating it can be for innocent bystanders in this process.

If I can set the stage for you, this e-mail was sent to me and subsequently I had meetings with my constituent. This is an immigrant family who made an investment in the community. It was in a residential home that they then fixed up and put on the market to lease out, which they did. They had tenants. The tenants were responsible for the hydro bill and, of course, for the maintenance of the property. The landlord would drive by periodically to check out the property. Everything looked fine, until one day they received the shock of their lives. I want to read to you what my constituent wrote to me:

"I'm writing to you in concern of a matter which has occurred to my rental property. I have recently found out that my rental property has been used to grow marijuana. The tenants are nowhere to be found, and after one year of rental, Richmond Hill Hydro only recently discovered that there was an excess of hydro use, \$20,000, to be exact. My question is why did it take so long for our hydro company to discover this suspicious act. Also, the house was left in complete damage. Who is responsible for the hydro bill of \$20,000 and the damages caused to my rental property?"

1510

At the end of the day, after working through this with my constituent, my constituent found out that he in fact was responsible for the \$20,000. Even though it was a criminal act that took place without his knowledge, it's his property, and there was nothing he could do under the circumstances. The tenants are gone, nowhere to be found, and he's faced with damages and a \$20,000 hydro bill because of the diversion of hydroelectric power that had been initiated by the tenants.

I mention this case because this is a practical issue that I don't see addressed anywhere in this legislation. In fact, I would put it to the minister and to the government that, similar to other acts of crime, there should be some way for innocent victims of crime to be compensated under these circumstances. The proceeds could well come from the proceeds of crime. We have a similar fund in this province that victims of crime can apply to. I would just ask the minister to give that consideration, particularly in circumstances like this where it involves residential properties, where you have innocent bystanders and victims of crime. Where do they go? In this particular case, these people don't have the \$20,000. This was their only investment. They will now face, and are facing, first of all, the repairs, some of which may well be covered by insurance, but they're not sure about that in terms of how extensive the damage is and whether the insurance program they have will cover it all. So that's a recommendation I would make.

I would encourage the minister to accelerate the commitment they made as a political party and that the government continues to say they will honour, and that is, the funding of 1,000 new police officers so that police services on the front lines across this province will have the resources to ensure that this legislation is supported, that we have the manpower on the front lines of police services to enforce it.

With regard to enforcement, there's another aspect. There are the police services, but then we also have the challenge for municipalities and hydro utilities to deal with this and to be properly resourced to be able to respond, so that when there is an indication of excessive use of hydroelectric power, which is reflected, obviously, in the billings, there is a mechanism and the resources are there so the utilities can respond in a timely fashion, and the municipalities are appropriately notified as well that something may well be taking place that deserves the attention—demands the attention—not only of the police services but building inspectors and various bylaw officers within the municipality.

I want to take this opportunity as well to encourage the minister, who I know has excellent relations with his counterparts in Ottawa—and it's interesting that we are here dealing with this matter of marijuana growing operations within our neighbourhoods and in our industrial parks across the province. It's a serious problem, which is why the minister has brought this forward.

At the same time, we have the minister's federal cousins talking about making marijuana effectively an across-the-counter item, to decriminalize it, to make it an unoffensive practice to use marijuana. I would ask him to use his good sense of persuasion, which I know he has and he does so well. He can sit down over a cup of coffee with his counterpart in Ottawa and say, "Look, don't you understand where all of this is leading? Don't you understand that you're opening a door here that, once open, will be impossible to close?" and help us ensure that the problem we're trying to address here in terms of the grow-ops—that we have the assistance from the

federal government to shut down this wrong-headed idea they have, this message they are sending to our society that marijuana use is OK, that it's something we endorse.

Mr. Richard Patten (Ottawa Centre): It is OK.

Mr. Klees: The Liberal member opposite says, "It is OK."

Mr. Patten: I think it is.

Mr. Klees: You're entitled to your opinion. Mr. Patten, the member of this Legislature from Ottawa Centre, has made the statement in this House, in response to my comments, that marijuana use is OK.

Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): That's not what he said.

Mr. Klees: That is exactly what he said.

Mr. Patten: I never said that. I said marijuana—

Mr. Klees: He's correcting me to say, "Marijuana use is OK." The member is saying that growing marijuana is not OK but marijuana use is OK. Perhaps the member can tell his own constituents, who would be interested in that, how he can justify that. Well, I want to be on record, and I'm sure I'm joined by my colleagues in the Conservative caucus, to say that marijuana use is not OK.

I'm simply saying that I believe the direction of the federal government to send the signal that marijuana use is OK, as Mr. Patten, the member from Ottawa Centre, endorses, is wrong. The next step on this slippery slope is, what other drugs then become OK? At some point, this is all reduced to a society that has standards or a society that is simply guided by situational ethics, that depending on what appears to be OK or what people think they want, we simply endorse it. I believe it's wrong. I believe the minister, who has brought this legislation forward, can use his good offices, can use the relationships he has in Ottawa to advocate with us to shut this down.

As well, I want to take this opportunity to commend our police services in York region, who have been responding very effectively, even with the limited resources they have, to the proliferation of grow-ops throughout York region. I want to take this opportunity to commend Chief La Barge for the good work and leadership he is showing, and I want to encourage him and the members of his force to continue to do the good work they're doing. I know they too are appreciated by the minister, by this government and by every member of this Legislature.

I want to wrap up my comments by saying that this is a bill I will certainly be supporting. But I want to ask, I want to implore the minister one final time that when he sits with the Chair of Management Board, the Honourable Gerry Phillips, who is here as well, who knows full well the importance of prioritizing and allocating funds to ministries—this legislation that's being brought forward is empty without the Chair of Management Board's support for the necessary funding, whether that's for police officers or other resources. So I implore him to support the minister, the Honourable Monte Kwinter, in his efforts to bring this legislation forward in a practical way. There's a huge gap between policy and imple-

mentation, and that's the challenge the government has. That's the challenge that municipalities have and that police forces have across this province now. We want to work together to ensure that that is achieved.

I thank you, Speaker, for the opportunity to address this issue.

1520

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr. Speaker: I rise pursuant to standing order 55 to give to the Legislature the business of the House for next week.

On Monday, April 11, in the afternoon, Bill 110; in the evening, Bill 128.

On Tuesday, April 12, in the afternoon, Bill 155; in the evening, Bill 144.

On Wednesday, April 13, in the afternoon, opposition day; in the evening, Bill 164.

On Thursday, April 14, in the afternoon, Bill 110.

LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005 (continued)

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

(suite)

The Acting Speaker (Mr. Joseph N. Tascona): Questions and comments?

Mr. Rosario Marchese (Trinity-Spadina): I just want to say that I'm going to have 20 minutes on this bill in just about eight minutes or so. It will be with pleasure that I speak to this bill to show some disagreement with the member from Oak Ridges moraine and some of the Liberal Party members.

On the other hand, there is something that the member from Oak Ridges moraine has stated that we do agree with, and that one particular point has to do with the hiring of 1,000 policemen and policewomen. In this regard, we know that the Liberals, prior to the election, made a promise to hire 1,000 police, and now we hear that they might be hiring, or at least giving money for, 500 policemen and policewomen as long as the municipalities put up the rest. We don't know, out of that, whether or not municipalities are going to buy into it, because they don't have the money. So the promise of the 1,000 police may or may not happen. I suspect it won't happen. In that respect, I, as a New Democrat, agree with the member from Oak Ridges moraine with respect to this bill.

In every other regard, this bill is nothing but fluff, with all due respect to my colleague and friend Monte Kwinter. I will speak to the weakness of this bill in terms of

being tough on crime and tougher on the causes of crime because, as I review the bill, I just wonder, where are we tough on the causes of crime? Nowhere in this bill do I read anything that says we will get to the causes of crime, except the image of going after crime and the causes of crime. This takes nothing away from the respect I have for Monte Kwinter, but this bill is fluffy. It's just got nothing, much like what the Tories used to do when they were in power. I will speak to that in about eight minutes.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I just wanted to respond to the member from—

Mr. Marchese: Oak Ridges moraine or Trinity-Spadina?

Hon. Mr. Kwinter: Trinity-Spadina and Oak Ridges, not Oak Ridges moraine.

Mr. Klees: Thank you.

Hon. Mr. Kwinter: To the member from Oak Ridges, I understand where he's coming from and I appreciate his comments. The thing that a lot of people don't understand when we talk about decriminalization—this is a federal responsibility. It isn't as if they're saying, "We're going to make the use of marijuana legal." What they're saying is that at the present time, if a student at a university is caught with a small amount of marijuana, under the present legislation that person will be charged and, if convicted, will have a criminal record that will stay with them for the rest of their lives. This is for a very small—in the United States it would be called a misdemeanour. What they're saying is that it isn't legal. If you are caught smoking marijuana, you will be charged, you will be fined, or whatever penalty it is that's doled out. The only thing about it is that it will not stay with you for the rest of your life. Once you get to a certain level, then it will stay with you for the rest of your life.

So that's what they're talking about when they talk about decriminalization. It isn't a mixed message saying, "How come you're getting tough on this, but you're getting not so tough on that?" It's just a matter of dealing with the reality.

Getting back to Trinity-Spadina, I should tell you that we are committed to the 1,000 officers. This particular piece of legislation is just the first step. Much of what has to be done falls under the Criminal Code of Canada. I have no ability to change that. I have the ability to lobby to have it changed, but I cannot force the federal government to do anything unless they want to do it.

This is a result of the Green Tide Summit. They said, "Here are certain things that you as a province can do to make it more difficult for these people to operate," and—

The Acting Speaker: Thank you. The Chair recognizes the member from Burlington.

Mr. Cameron Jackson (Burlington): I'm very pleased to acknowledge the effort my colleague from Oak Ridges has made in this debate and to reinforce some of the important points that he has put on the record. I want to say this: Frankly, we're seeing a little bit of a disconnect between the office of the Attorney General, responsible for the administration of our courts

of justice, and our Solicitor General, who is the chief officer responsible for law enforcement. We're seeing this pattern continue.

The minister is in the House. I recall that Halton had the distinction—George Kerr, my predecessor, was for the first time in Ontario's history one and the same: the Attorney General and the Solicitor General. So the minister couldn't play this game at the federal forum of, "Well, that is a matter for our federal justice department versus a provincial law-enforcement issue." And so—

Hon. Mr. Kwinter: On a point of order, Mr. Speaker. With all due respect to the member, I just want to correct him—

The Acting Speaker: Minister, unless you're specifying a rule—do you have a rule?

Hon. Mr. Kwinter: No.

The Acting Speaker: Then it's not a point of order. If you've got a rule, that's a point of order.

The member from Burlington.

Mr. Jackson: If the minister had been listening, which I had hoped he would, he would recall that I said he was the first in Ontario, and he was. I'm not referring subsequently to the minister.

However, since the minister was able to take 30 seconds of my time, let me just simply say to the minister that unless he's prepared to commit the dollars and the resources to our police, this is yet another example of the Liberals wanting to make sure they have a public pronouncement. The minister knows, as I have stated publicly, that the child sex offenders, that the broken promise of this government to support police departments in this province—so what do they do? They had a grand announcement with the OPP. They haven't had a meeting, they haven't flowed the dollars, but you know what? They sure look good in the media.

Ms. Marilyn Churley (Toronto-Danforth): I'm happy to respond to the member from Oak Ridges. I had an opportunity last week to be in the House and to listen to various people debate this bill, and nothing has changed since then.

Mr. Marchese: Nada.

Ms. Churley: Nada. Should I call this smoke and mirrors? Should I call this the minister blowing a lot of hot air, or just smoke? Because that's all we have here. There's nothing of substance in this bill. If you look at it and pick it apart, there's a lot of spin.

I like this minister; a lot of us say this. We're very fond of him. Not that that helps when we're going to criticize this bill, but we like you, Monte. But we don't like this bill. It's not an attack on you; we're separating the issue.

You've been urged to come forward with another smoke-and-mirrors bill that says to the public, "Look, we're tough on crime." That's what you're trying to say, but when you look at implementing this, it really is all smoke and mirrors.

It's been raised, and I'll talk about it later as well—the 1,000 new cops on our streets. But we still have not seen those cops on the street. Last month, the Liberals an-

nounced \$30 million to fund the new program, but at most, we've been told that this will cover only about half the cost municipalities would incur hiring new cops. We've had mayor after mayor say that this program will be too costly for their cities to participate in, since the province is asking civic governments to ante up at least half the cash for the new officers. Sarnia mayor Mike Bradley was one of those who said the plan would require the city to spend \$50,000 per officer, and others said the same thing. So the plan is not going to work. It's not going to make a dent in the problem.

1530

The Acting Speaker: The Chair recognizes the member from Oak Ridges in response.

Mr. Klees: I'd like to thank my colleagues for their comments, and I want to thank the minister for his explanation of decriminalization of marijuana. I fully understand that, Minister. But even given that explanation, my concern is that the signal that is being sent, that the federal government of Canada is decriminalizing marijuana, is a wrong signal. Even our friends to the south, the United States of America, are raising concerns that if in fact our federal government moves forward with this decriminalization, there will be serious implications at the border. They are concerned about the proliferation of trafficking as a result of that alone. I realize that the two, in many ways, are disconnected. But there is a signal that is being sent by the government of this country through that very initiative, and I'm asking you to put a stop to it, because I know you can. It is a federal matter, but you can impress on your colleagues that while the intention is good, the end result will be negative.

What we can do, though, is through your good offices encourage the federal government to do what the Ontario Association of Chiefs of Police are calling on the Premier to do. I'd like to read this: "Be it resolved that the OACP call upon the Premier of Ontario to represent the interests of law enforcement and community safety within Ontario by urging" once again "the government of Canada to enact immediate [legislation] to provide for minimum sentences of two years as a deterrent for the cultivation of marijuana...."

What the chiefs of police are saying is, "Help us by deterring this growth of marijuana in our country." It is consequences under the law that ultimately will resolve this issue.

The Acting Speaker: The Chair recognizes the member from Trinity-Spadina.

Mr. Marchese: I'm happy to have this opportunity to speak to Bill 128 and to welcome the citizens of Ontario to this parliamentary channel. It's 3:35 on Thursday afternoon.

We've got a lot to say on this bill, and I'm going to start by talking about the Conservative Party and how they used to be tough on crime. Remember that gang? Some of you Liberals on the other side remember some of those bills. You remember when they used to go after the squeegee kids, those really tough, crime-related squeegee kids just cleaning windshield wipers. Boy, they

were going to put them out of business and go after them, because they used to go after everyone: young, middle-aged, senior. Good God, they were a big part of the crime in Toronto and beyond. Those were the Tories, the tough-on-crime Tories. What an image they had.

Do you remember when they introduced the Victims' Bill of Rights? Some of you Liberals will remember that. They introduced a bill called the Victims' Bill of Rights, the intent of which was to support victims, until a judge ruled that victims had no rights in that bill. It was all PR. It was all intended to create an illusion of being tough on crime, an illusion of giving victims some support, and there was nothing in that bill that gave victims any support. It was all PR. These were the Tories: tough on crime, on squeegee kids; a Victims' Bill of Rights that contained nothing further.

They went after making parents pay for the misdemeanours of their children if they committed some small crime, and we used to say to the Tories, "Sorry; these rights you're introducing in this bill are already contained in existing law."

You are introducing nothing that is new to the powers that the police, that the provincial government gives them to go after parents, if they wanted to, for the misdeeds of their children. In fact, we used to argue with the Tories that the current law that was in place was better than the law they introduced. But it didn't matter to the Tories. They wanted to appear to be tough on crime, so they just introduced another bill attacking crime in the province.

Do you remember another bill that was called—I forget the bill, but it had to do with giving justices of the peace the power to issue restraining orders on some individual who had been abusing their ex-partner, or could potentially threaten an abused partner with further injury. This was supposed to make it possible for these justices of the peace to help victims of abuse. They never proclaimed that bill. That bill never saw the light of day, not to mention the problems contained within the bill: that we didn't have enough justices of the peace to begin with and that they should be properly trained. That's another issue. They were going to be tough. They were going to protect victims, and they never proclaimed the bill. I think some of you watching this program, and many of the Liberals who are sitting in this Legislature listening to my comments, will understand. It was just PR.

With all due respect to Mr. Kwinter, your government is doing the same. This bill is nothing but PR. This bill says we're going to be tough on crime and tougher on the causes of crime, and I don't see either of those two, as you break them down, in operation in this bill. It's not tough on crime and it certainly isn't tougher on the causes of crime, because nothing contained in this bill deals with either: being tough on crime or the causes of it.

So when the Liberal members stand up to say, "We are dealing with the issue of the marijuana grow-ops in a way that is going to be tough on crime and the causes of

crime,” when you listen to that, you just have to think of the Tories because the Liberals are doing the same.

When Tories and Liberals speak about marijuana as if somehow no one is engaged in smoking marijuana, I’ve got to tell the member from Oak Ridges that 30% to 50% of Canadians aged 15 to 24 have used marijuana. That’s a whole lot of young people. This fact comes from Statistics Canada. That’s a whole lot of people trying marijuana. I suspect some of those young men and women are probably supporters of the Conservative Party, supporters of the Liberal Party, supporters of the NDP. Approximately 7% of Canadians smoke marijuana recreationally. That’s a whole lot of people.

Mr. McMeekin: How many per cent?

Mr. Marchese: Seven per cent.

Approximately 25% of adult Canadians have tried at cannabis some time in their life. That’s a special Senate committee report. There are a whole lot of people doing it. I suspect there are a whole lot of Tories doing it, a whole lot of Liberals doing it, a whole lot of New Democrats doing it.

Interjection: At least we don’t do it on the job.

Mr. Marchese: It’s unlikely that they would be smoking in the Legislature, but they are smoking it somewhere; I can guarantee you that.

So when you have the member from the Oak Ridges moraine making it appear that somehow this isn’t happening and we’ve got to stop this reefer madness, I just don’t know. It reminds me of the old Prohibition days against alcohol. It reminds me of that. Of course, that was dealt with a long time ago, in the same way as smoking. Smoking kills; indeed it does. There’s a campaign against smoking reminding people that if you smoke, you’re going to be one of those people who dies. Smoking is not illegal, but governments remind you that, when and if you smoke—and you see that on the package—you could be one of those people who are going to die. It’s as simple as that. We don’t ban cigarette smoking, but we remind them it’s lethal to your health. We don’t ban alcohol drinking, but we remind them it can kill you.

1540

When it comes to this marijuana thing, I’ve got to tell you, I’m not one of those who does it.

Mr. Klees: You sound like one.

Mr. Marchese: Frank, I’ve got to tell you, I did try it two or three times in my whole life, just to know.

Mr. Shafiq Qaadri (Etobicoke North): Did you inhale?

Mr. Marchese: Yes, I did. It shakes you up a little bit. It shakes you up like a bad cigar, and you’re not going to want to do it too often. If you smoke bad cigars, you ain’t going to want to smoke bad cigars, because it shakes you up in ways that you don’t feel good. I wonder if Frank tried smoking a bad cigar, because the effect is almost the same.

I suspect that a whole lot of users—Tories, Liberals, New Democrats—don’t do it too often. That’s my feeling, in the same way that I believe a whole lot of people don’t drink excessively, in the same way that I think a lot

of people these days don’t smoke cigarettes or cigars excessively. That’s what I think. I could be wrong.

But this reefer madness: I’ve got to tell you, 75% of drug-related criminal charges are connected with marijuana—75%. The member from Ottawa Centre, do you know what that means? Frank from Oak Ridges, you’ve got cops writing reports, a couple of hours each at a time, for possession of a small, little reefer, possibly, right? Then you’ve got to take that guy to court. You clog up the court system with some guy or woman who was caught with a reefer or two. Ted, do you agree with me? Some 75% of drug-related criminal charges are connected with marijuana, clogging up our court system. No wonder we don’t have enough judges to deal with the real problems. We don’t even have enough court reporters, for God’s sake, to deal with these issues. We don’t have enough of these people to deal with real crime; we have them all engaged in dealing with marijuana-crime-related activity and possession of a reefer or two or whatever it is.

Where are you, Tories and Liberals, on this issue? Speak up. We should be dealing, Frank from Oak Ridges, with Internet luring, where a whole lot of kids are lured by these crazies—

Mr. Qaadri: Lured.

Mr. Marchese: The good doctor reminds me that it’s pronounced “lured.” Thank you. I think the good doctor probably believes that luring these kids is bad and it could lead to some pretty bad stuff. Right, Doctor? That would be a serious crime, in your mind, wouldn’t it? That’s what we should be doing.

What about going after the cocaine pushers, the real cocaine kings? What about going after them? Why don’t we spend some real time dealing with that?

Come on. What are we dealing with here, in terms of an issue connected to this? When we get to dealing with this particular issue, what’s contained in the bill?

This legislation inappropriately puts part of the responsibility for detecting and dealing with marijuana grow operations on to safety inspectors and electricity distributors, rather than focusing on more effective policing-based solutions. The bill requires safety inspectors to inspect marijuana grow houses within a reasonable time. Are we hiring more inspectors to go do that? Is this one of the few powers you’re going to give the inspectors: to check up on grow-ops?

We already have Karygiannis going out there sniffing for marijuana houses and grow-ops. We need Karygianis to do the real member of Parliament work, not sniffing around, house to house, looking for grow-ops, for God’s sake. We need cops, not Karygiannises, going door to door.

Are you going to hire more inspectors and put them at risk, possibly, in terms of the implications of sniffing around for grow-ops? It’s certainly going to help Karygiannis, because, I’m telling you, eventually something could go wrong. He’s not a cop; he’s a member of Parliament. You guys should pull him back. He could get into a whole lot of trouble.

So they're going to get inspectors to check up on these marijuana houses. OK. There's no mention about hiring more cops, but inspectors.

Maximum fines for violation of the building code are doubled. Interesting. How's this going to help in dealing with the causes of crime when we're doubling fines for violations of the Building Code Act? I don't see dealing with the causes of crime when we propose this in the bill.

Two new positions are created in the Ministry of the Attorney General: the director of asset management-criminal, and the director of asset management-civil, who will be responsible for property that is either being managed by or is forfeit to the crown in Ontario under various statutes. I'm saying to myself, what are these two new positions going to do? What power do they have that the current government doesn't already have to be able to deal with this? Why are we creating two new positions to deal with this issue? You understand what I'm talking about, that it's just like a PR exercise.

Let me go on. The director and all Ministry of the Attorney General employees acting on his or her behalf are protected from all lawsuits. OK. All right.

Electricity distributors are given the power to initiate an emergency shut-off of service. I hope we don't shut off the service in a way that would put some people at harm who might need the electricity running in their home, but OK; let's just say that they can do that. But I don't see how, currently, they don't have that right to do that or the power to be able to do that.

Let's see if there's anything further. Maximum fines for violation of the Fire Protection and Prevention Act, 1997, are doubled. Is this dealing with the causes of crime? No. It just means that we're doubling fines for violations of the Fire Protection and Prevention Act and for violations against the building code.

OK, let's see if there's something else that goes after the causes of crime here. The municipalities are allowed to negotiate with persons or entities in order to coordinate law enforcement initiatives. I thought they had the power to do that now, and they do. So why are we including something in a bill that is already within their jurisdiction to do, except for PR and making it seem like something is new in this bill, when there isn't?

The director of asset management-civil is given new powers to manage, sell or otherwise dispose of property that is forfeit or that is the subject of an interlocutory order. I thought they had that power right now. Why is something contained in this bill, and made to appear as if it's a new part of a law, that is already contained in current laws? I don't get it.

The director of asset management-civil is allowed to use money from the sale of forfeit property to reimburse the crown for expenses incurred in relation to that property. Interesting. This money may also be used to compensate persons who suffered related losses or to assist victims of crime, but the crown's reimbursement takes priority unless the director waives that priority. Now, doesn't that strike you as something that says that the new money we're going to collect as a result of the

building code violations and the Fire Protection and Prevention Act violations is going to be used to pay the Attorney General's staff and possibly victims of crime, but that the Attorney General's staff is going to be paid before the victims of crime, and that we're using those proceeds to pay the Attorney General's staff? It seems weird.

What is new in this bill and tough on crime and the causes of crime? Nada, zip, nihil, nyet, niente, zero—zip, if I haven't included that. So you wonder, when the government talks about being tough on crime, where that is. There is no mention of more funding to hire inspectors or to create the offices of the directors of asset management, no mention of more money. The legislation seems to place responsibility for policing marijuana grow operations with everyone but the police. All the increases in fines may be just an attempt, as I see it, to raise some extra funds. That's how I read it. If the Liberals were on this side, they'd probably say the same of their own bill. That's just as funny as it is. We've got to deal with the real problems.

1550

You made a promise to hire 1,000 cops, and just a month ago or so, whenever you promised the \$30 million that you had promised a year ago—and maybe this money will flow or maybe it won't; I don't have a clue. It hasn't flowed for a year. It may not flow for another year because you guys are short of money, and you say you want to hire 1,000 cops, just like the Tories did. When the Tories were in government, they were going to hire 1,000 cops too. Well, it never happened.

Hon. Mr. Kwinter: Of course it did.

Mr. Marchese: Oh, it did? OK. So the Tories hired 1,000 cops. I didn't see them. The Liberals now are going to hire another 1,000 cops, they said. Finally, when clarity came to this issue, we discovered that it was only 500, because the other 500 have to come from municipalities, the municipalities that have been dumped on for years by the Tories and continue to be dumped on by the Liberals—to a lesser extent, I would argue, than the Tories, but they continue to dump and download on the municipalities. Where do these fine Liberals, including city councillors at the city of Toronto and other places, think they're going to find the money? Duguid, where do you think you're going to find the money to be able to pick up on the other 500 cops, and the money to hire those 500 cops, that you people are promising? Mike Colle, you tell me that. Where do you think the city is going to find the money? When they are broke, and tired of having to go after the property owner for the money, where do you think they're going to find the money? They're already spending \$650 million to \$700 million for the police out of property taxes alone. Where do you think, Duguid, they're going to find the money which is requested and required from the Minister of Correctional Services to hire the other cops? It's not there.

This bill is fluff; there is nothing here, just like all the bills the Tories used to pass. It gives an illusion of being tough on crime and, oh my God, even tougher on the

causes of crime, but when you review, detail by detail, everything this bill is about, it's empty; it's zero; it's an empty shell. There's nothing in it to go after the people with who are the real criminals in this regard.

The Acting Speaker: Questions and comments?

Mr. Peter Fonseca (Mississauga East): I have to address some of the comments that were made by the member from Trinity-Spadina. He's living in a fictitious world. We are holding to our commitment where we would pay 50%, as has always been said, of the costs of those 1,000 officers to bring them on line. The previous government would only pay 50%; we are committed to paying that 50%.

I have to commend the Minister of Community Safety on Bill 128, the grow-ops. This is an issue around safety, community safety; it's a health issue. Many residences in Mississauga, in Peel region, are being affected by these grow operations. These operations are destroying homes and causing major health issues within our community. We have people living in these homes that are mould-infested, who are tapping into our grid and stealing electricity, driving prices up for everybody else, and the involvement of organized crime in these grow-ops is unbelievable. As is well known, much of the marijuana being grown is pushed south of the border by organized crime, to then purchase narcotics and weapons that are causing more crime. This is trafficking in crime, and I'm so happy that the minister is cracking down on this very important issue that is affecting so many communities across our province: residential properties being destroyed, the humidity that is drawing serious health threats to our residents. Many people are being affected.

This is something that has been waiting for too long to happen, and I'm glad the minister has taken an initiative to crack down on grow-ops.

Mr. Jackson: I was quite disappointed in my colleague from Trinity-Spadina and his railing at the past government's commitments to—

Interjections.

Mr. Jackson: I think it's worthy to note for the record. He has conveniently forgotten at least seven or eight bills that I tabled in this House and that were successfully passed. One was the pedophile registry bill. I remember distinctly the day it was first raised by my colleague Mr. Turnbull and I, and the NDP government of the day thought we were sick. Those were the words used in Hansard, that we were sick because we felt the public needed added protection from pedophiles. Your long history of social conscience, of social democracy and that, may cause you to look with a much more open mind on the matter than we certainly did, but I make no apologies.

The changes to the Coroners Act; the DNA data bank and testing by lobbying the federal government; the first of its kind in North America, the Office for Victims of Crime, which the current government has dismantled; the victims' fine surcharge; the victims' justice fund, a \$50-million fund that the current Attorney General is sitting on and won't free up to revamp the criminal injuries

compensation system in our province; a proceeds of crime act that I tabled to deal with the Homolka-Bernardo case, which my colleague Bob Runciman has raised; and the child porn funding that we provided for police forces in this province, which this government pulled back. Even though they promised they'd give that money, they didn't.

That's the issue here for all these bills. Bill 128 is a clear example that unless you're going to resource the police services in this province with the necessary funds, the tools and the support, then all this is is a public statement of intent. The police forces in this province have clearly stated to the government that unless you're prepared to resource them, they cannot do their job to keep this province safe.

The Acting Speaker: Questions and comments? The Chair recognizes the member from Trinity-Spadina—sorry—Toronto—Danforth.

Mr. Marchese: Close.

Ms. Churley: Very close, actually.

I'm pleased to respond. I've got to read Hansard later, but if I heard the member for Burlington correctly, and I hope I didn't, but if I did, the member actually accused New Democrats of being at least soft on or supportive of pedophiles, which is an absolutely irresponsible and shocking thing to say. I hope that if that's what he meant—you know, I remember in the last federal election, Stephen Harper came out and accused the federal Liberals of the same thing, and the NDP as well for not supporting various components of a bad bill, which is what this was all about here. Just because New Democrats did not support aspects of a bad bill does not make New Democrats, in any way, shape or form, sympathetic to pedophiles. That is an absolutely shocking thing to say.

I'm sure the member didn't mean it in his anger as a response to the member for Trinity-Spadina, talking in general about how so many bills from the Tories before and now the Liberals get a lot of smoke and mirrors, a lot of, "Let's get tough on crime," but the bills were either not passed or not proclaimed. I assume the member for Burlington was not thinking clearly and was responding in anger and frustration because of the good work he feels he did when in government.

But I would expect him to stand up and clarify those remarks, because the reality is that the point the member for Trinity-Spadina was making is indeed an important point for us all to hear, because it is not fair and it is wrong to let the people of Ontario believe something is happening to improve safety in their communities when it isn't actually happening, and that's the case with this bill.

1600

The Acting Speaker: The member from Ottawa.

Mr. Patten: Ottawa Centre. "Member from Ottawa" sounds pretty good to me, but it's Ottawa Centre.

I have to introduce an element here that transcends and weaves its way through clarity to some of the responses. We get a response from the Tory side that

we're not tough enough on crime. That has nothing to do with this particular bill. It has something to do with federal legislation, if you're talking about the use of an illegal substance.

The member from Trinity-Spadina: "This is smoke and mirrors." Well, there certainly would be a lot of smoke if, in some of the houses in which there are grow-ops, the electrical wiring that's been tampered with all of a sudden lit up a wall board or the curtains, and the house burned down. This is what we're talking about. We're talking about the growing of an illegal substance for the obvious purpose of trafficking.

We have some suggestions here. The minister has said that this is obviously not an all-encompassing thing around the issue. It is a good start, following consultation—with whom? With all levels of government, with the police services, with public utilities folks, with the private sector, under the rubric of a Green Tide summit. I respect that and I applaud the minister for his effort in doing that.

We have a problem of people being in business. They're not paying tax on any of this. They're growing an illegal substance, they're making a lot of money and they're doing it in a dangerous fashion, not only to themselves but to others in the particular neighbourhood. This bill attempts to address that.

The Acting Speaker: Response?

Mr. Marchese: Thanks to the foes as well as the friends.

We're opposed to marijuana grow-ops. We think they're bad, dangerous and a cost to the taxpayers, and we believe organized crime is involved in this. The response by the government, through this bill, is to increase the fines for fire code violations, increase the fines for building code violations and involve inspectors to go and do audits. We don't know whether they're going to hire more inspectors; we suspect they're not. This is not going to do anything.

So when the member from Ottawa Centre pretends that you can just say what you want and make it appear that this bill is going to do it—sorry, member from Ottawa Centre. Violations of building and fire code aren't going to do it. Increasing the fines for that is just not the way to do it.

We know what it takes. We suspect the police know where these grow-op operations are. And we suspect they know there's a lot of criminal activity engaged in by organized crime. Thermal imaging probably could, in an instant, reveal where these places are, just like that. Why don't you deal with that? Why don't you help get those police officers out there? Why don't you give them the tools so that they can do their job?

If you did something like that and then talked about the causes of it, in terms of arguing the debate, having a real debate on the reefer madness, I think that would get to the causes of crime. I think we need that debate. But I really do believe that if you're going to deal with marijuana grow-ops, it's the police that have to get there and solve the job, not Karygiannis; not saying inspectors will

go and do it and increasing the fines for the building code and the fire code. Sorry, this bill is public relations and nothing more.

The Acting Speaker: Further debate?

Mr. Brad Duguid (Scarborough Centre): I've got to tell you, I'm extremely disappointed with the way the NDP is approaching this particular issue. I'm not surprised. I'm not surprised at all, because this is what they always tend to do. They think everything can be solved by waving a magic wand; that if you bring something forward that's helpful—if you bring something forward that stakeholders from the police, from the municipalities, from all of those involved in this particular effort are asking for—just because you're not solving the entire problem in one fell swoop, it is not worth supporting.

I think that's a very unconstructive approach. It's an approach that I am very disappointed in from the member for Trinity-Spadina. I wonder: Why would the member from Trinity-Spadina be opposed to allowing an electricity distributor to disconnect hydro without notice in accordance with court orders or for emergency safety or system reliability reasons? Why would he be opposed to that? That makes sense.

No, it's not going to wipe out all the grow-ops across the city and across the province, but it's going to help us get a handle on it and shut some of them down. Why the heck wouldn't he want to do that? It's a step forward. It's going to help. The cities want us to do it. Why would you not want us to do that? I don't understand that. Why would the member from Trinity-Spadina not want us to require building inspections of all homes that police confirm contained grow-ops? Why would he not want building inspectors going into those homes to ensure that they're safe, so they can get those homes back up and maintained again so they're not eyesores in their particular communities?

I don't get why the NDP would not want to make sure those inspectors are in there, making sure those homes are safe and making sure that the next person coming in to buy that house doesn't get ripped off buying a house that's going to need thousands, if not tens of thousands, of dollars of repairs.

Why would the NDP be opposed to doubling the maximum penalties under the Fire Protection and Prevention Act? That I don't get. Don't they understand that doubling the fines is a significant measure that sends a very strong signal out there? These grow-ops are 40 times more likely to go up in flames than a regular private dwelling. I don't think they get that. I don't think they understand that. I don't think they care about the impact fires have in communities, not only in the house that goes up in flames but in the entire neighbourhood around it that is also endangered.

I don't understand why they would be opposed to setting up a special-purpose account so that proceeds of grow-ops and other criminal activities, such as real estate, vehicles and other equipment, can be spent on enforcement, the very enforcement they're calling for. Well, this legislation sets up a fund that's going to help

fund some of that crime prevention. This member talked about going after the root causes of crime. This legislation is going to help us find some funds to assist us, maybe not in great measure but at least in small measure, in going after it and in compensating victims as well, an important part of this legislation.

I really don't understand how the member from Trinity-Spadina would oppose this. I just don't get it. But I guess he wants to play politics with this issue. If he wants to do that, by all means, he can do that.

Just as an aside, Mr. Speaker, I will be sharing my time with the member for Etobicoke North.

I want to tell you, as the member for Scarborough Centre, that this is a serious issue in our community, as it is in communities right across Toronto, as it is in communities right across Ontario. When you look at the proliferation of these grow-ops, they've gone up about 700% in terms of grow-op dismantling in Toronto, from stats our police have provided us. In 2001, 33 grow-ops were dismantled; in 2002, 140; in 2004, they are estimating 248—a 700% increase. Some of that is because police are dedicating more resources to busting and dismantling these grow-ops, but the fact is that these things are proliferating at a very rapid pace. I'm very, very grateful that our minister is providing additional tools, taking this initial step forward that's going to help get a handle on this problem. Is there more to do? Absolutely. There is more to do, and we're moving forward.

Look at the Green Tide action group that's been set up; they're continually working on this problem. We're going to be developing new protocols for interaction between the police and municipal building departments. We're going to be developing an investigative protocol that will give police and municipal officials the clout they need to ensure that the same standards are in existence throughout the province. We're going to be developing a house entry protocol to protect people from entering a home that was used as a grow-op and is unsafe.

We are committed to funding the hiring of 1,000 police officers on a cost-shared basis with municipalities, which is something we've said from the get-go.

My time is running out. I want to thank the minister for bringing this very important legislation forward. This government cares about getting those grow-ops closed down. We're working toward it. This is an important step forward and we're going to get the job done.

1610

Mr. Qaadri: It's a privilege and a responsibility to rise in support of Bill 128, the Law Enforcement and Forfeited Property Management Statute Law Amendment Act, known colloquially as the grow-ops operations bill.

This, as you'll know, is the first step in a comprehensive provincial strategy to actually address this widespread problem. There are a number of aspects: the vision, the aspirations for stronger communities, safer communities. In particular, as you'll appreciate, a number of these operations are in close proximity to schools and other community venues. It is a bill that has been

executed in partnership with law enforcement agencies and various levels of government, particularly municipalities. It comes forth very responsibly, and we should salute the Minister of Community Safety, because all the bills he presents to this Legislature are not only well-thought-out and well-presented, but also much-needed for the broader interests of the province of Ontario. In particular, the grow-ops operations have actually undergone what we could describe as an explosive growth, and this in particular is one of the reasons this bill is coming forth.

There are probably about 15 or 20 different points or highlights about this particular piece of legislation. First of all, the financial cost alone exceeds something on the order of \$100 million annually. There are many reasons. For example, it is known that grow-op operations, the sites that are chosen to be grow-ops, are an extraordinary fire hazard. They have run the numbers, the statistics, and a grow-op operation actually has something like 40 times more likelihood of fire in that particular location than other private dwellings.

A point perhaps not appreciated widely with regard to the grow-op operations is the potential for abuse of children. Sadly, I have to report that kids and families are all being used as what we might describe as cropsitters, or front men almost, to come and babysit the particular venue to make it appear to onlookers that it is a legitimate family residence. And this, of course, is tantamount to full child abuse.

As I mentioned, unfortunately these are attempts to camouflage, to hide the operations, which really are in the midst of usual communities, in the midst of subdivisions. For example, it was discovered that in York, Peel, Waterloo, something like 20% of these grow-op operations were actually within walking, striking distance—smoking, wafting distance, if you will—of a primary or secondary school.

I might also shed light for a moment on the medical risk. Of course, as you reorient ventilation to hydroponic cultivation, you are going to introduce moulds, gases, chemicals, carbon dioxide, carbon monoxide, and that will do that much more to increase the incidence of a number of medical conditions that arise from those areas.

Just within recent memory, within, say, the year 2000 and beyond, something like 300 grow-op operations have been dismantled by the Toronto Police Service. This is a massive and growing problem, not only for the items that I have just highlighted, but, for example, we know that organized efforts of this nature, of this calibre, are not, let's say, mom-and-pop operations; these are attracting gangs, organized crime, people who are actually engaged in trafficking of a widespread, even export-based, nature. This is why this type of empowering and enabling legislation is required to deal with this explosive growth.

Once again, to salute the Minister of Community Safety, with this legislation, if passed—once passed—we're actually providing leadership to the rest of the provinces in our Confederation on this particular issue, whether we're dealing with the increasing of fines, the

increased ability and availability of inspections, the empowerment of electrical utility distributors to dismantle electricity or the recapture of the costs of these ill-gotten gains.

This Legislature and the province of Ontario should support Bill 128, the grow-ops legislation, the first step in a comprehensive provincial strategy for stronger communities, safer communities, executed in partnership based on wide consultation to deal with a problem that is undergoing explosive growth.

The Acting Speaker: Questions and comments.

Mr. Ted Chudleigh (Halton): Much has been said about this bill by the two members who just finished sharing their time. It's unfortunate that the government of the day doesn't seem to get the concept that in order to stop crime, you have to have police that go into the situation and arrest people. If I were a criminal and I were running a grow operation, and I heard that the Ontario government is going to pass a piece of legislation that is going to turn off my hydro, oh, my goodness, I might consider another line of work. Well, I don't think so. Obviously, I'm being sarcastic. The way to stop crime is to put police into that situation, detect the grow-op house and then shut it down.

This piece of legislation doesn't involve a police raid on a grow-op. No, they take a building inspector and send him in unarmed. "And when you come out, building inspector, if you come out, let us know what you see in there. See if there are lots of houseplants growing in there. Let us know about that, and then we'll get a warrant and proceed with the process." That's basically what the bill does: You send in a building inspector, and you ask him, "What's going on in there? Were there lots of little plants? Were there little plants growing, and were they being watered and fertilized?"

Mr. Mike Colle (Eglinton-Lawrence): On a point of order, Mr. Speaker: I think it would be helpful in this debate—

The Acting Speaker: What's the rule?

Mr. Colle: —if the member—

The Acting Speaker: Please continue.

Mr. Chudleigh: When the government of the day wants to put real money into the protection of Ontario residents, then you'll start to solve the problem. Sending a building inspector in won't do it.

Mr. Peter Kormos (Niagara Centre): The first thing you do on a point of order, Mr. Colle, is to cite the standing order so that the Speaker, obviously, can refer to it. So the Speaker's ruling was interesting. It is a precedent now. Speaker, I say I want this to be a red-letter day at Queen's Park. The clerks will be putting into the file of precedents that, upon standing on a point of order, it is essential that a member of this House—Speaker Tascona has ruled. I'm not about to challenge the Chair. Far be it from me to criticize the Speaker's ruling. I am not about to challenge the chair. The Speaker has made it very, very clear that when you rise on a point of order, you've got to cite a standing order, and I'm going to be referring to this event: April 7, 2005, afternoon sitting of the

Legislature in the first session of the 38th Parliament; ruling by Speaker Tascona.

I was so pleased to have heard the contribution of my colleague the member from Trinity-Spadina, one Mr. Rosario Marchese, to this issue. The impression I get from what he's saying is that tonnes of stuff are being grown in this province. Tonnes of marijuana are being grown on an annual basis in Ontario alone. What's remarkable is that I go to corner store after corner store, and there's a full display of rolling papers on the counter but I don't see any of those packages of bales of tobacco on the counter. Corner stores are selling rolling papers but they're not selling tobacco. There is a disconnect here. Somebody is smoking tonnes of pot a year in this province, and they'd better put their hands up now. It's not phantom; it's real. Every time you bust one of these grow-ops, two more pop up right next door. This isn't the solution. Marilyn Churley is going to give you a solution in short order.

1620

Mr. Lorenzo Berardinetti (Scarborough Southwest): In the few moments that I have to speak, my experience has been quite different. I remember when I turned 16 and 17 years old, which was a while back, I used to go down to Yonge and Dundas. We would go in the record stores, and right beside the record stores there would be all sorts of paraphernalia shops that sold everything you could possibly need to smoke or roll or do whatever you wanted to with marijuana. Well, guess what? They are gone. You don't see them around any more. Someone—I don't know if it was the Conservatives or the NDP who were in power at the time—did something about it and put them out of business.

You've got to continue to battle the problem. To sit back and say there is marijuana growing everywhere and you really can't fight it and you've got to look at the issue of why they are smoking it—well, that's a debate for another day.

The bill in front of us today is legislation to combat residential indoor grow operations. We see on the news every night that there are more and more of these grow operations right across Ontario, and you've got to do something about it. This bill is so plain and straightforward. It speaks clearly, and it's clearly a way of dealing with the problem. It is a first step—that's been mentioned several times—to solving the problem of grow operations in indoor facilities. This is the right way to do it. You amend legislation and various acts that need to be amended. You allow the police authorities and other officials to have the powers they need to stop these operations. This is the right way to go. It's a first step, and I support it 100%.

The Acting Speaker: The Chair recognizes the member from Scarborough Centre.

Mr. Marchese: Speaker, only three people have spoken.

The Acting Speaker: Oh, OK. The Chair recognizes the member for Trinity-Spadina.

Mr. Marchese: I did want the two minutes just to repeat a couple of things. Even the member from Scarborough Centre and others, and my friend from Niagara Centre, mentioned as much: These marijuana grow-ops are proliferating. Why? Because there is organized crime connected to this. There is pecunia—big money—involved in this, and we're doing nothing to deal with the problem. What you're saying is, "There is a problem, and what we're going to do is increase the fines on fire code violations and building code violations." How are you going to catch them like that? Oh, inspectors. I see. And maybe they'll—

Mr. Kormos: Jim Karygiannis.

Mr. Marchese: Yes, they're going to replace Jim Karygiannis. I mentioned him too, by the way; I thought that was cute. I thought it was cute that an MPP was playing the role of Inspector Karygiannis.

What you need is to give the police the resources. First of all, get the police there. Hire more police. Peter Kormos mentioned this when the Tories were in power for eight years. What you need is more police to do the job of cracking down on the real crime out there, not the fluff the Tories are putting there and not the fluff you guys are putting there. You've got to put more police there and then you've got to give them the tools, member from Scarborough Centre. The tools are not the fire violations, even though that's OK, but if you give the cops the helicopters with the thermal imaging to get around the city and the province to find out where they are, we'll catch them in a snap. Why don't you give them those tools and more cops to be able to do that? Then, member from Scarborough Centre, we would be talking. But unless you do that, please, you've got nothing here.

The Acting Speaker: In response, the Chair recognizes the member from Scarborough Centre.

Mr. Duguid: I'm pleased to respond. One of the things I recall from my councillor days, something I was involved in extensively—I don't know whether it was the chair of works or the chair of community services—was an effort that we called hit teams, which we put out to shut down and improve problem properties, which are a scourge in all communities.

We worked with the police, and if there was a crack house or something, the police would try to get in there. But quite often they wouldn't have enough evidence to shut it down. They'd be in, they'd be out, but they wouldn't get enough evidence. So you had to bring together all stakeholders. It wasn't just the police; you had to bring in property standards people who could go in and do some things with regard to property standards. You had to bring in the fire people to go in and inspect. You had to bring in the utilities. And bit by bit, you would find ways to ensure that you could shut these places down.

These are some of the tools that will work with the police to help them, municipalities, ourselves and, ultimately, the federal government as well, if they can come forward with changes to the criminal law, to ensure that we get these places closed down. It takes a co-

operative effort, and this is something that has been asked for for a very long time by the other stakeholders. It's something that will help them in their efforts and help us in our efforts to eradicate these things once and for all.

As I said before, these grow-ops are a blight on our communities. They're a problem when it comes to health and safety. They're a problem when it comes to the health and safety of the kids, who are often used as fronts, who are living in these places. They're also a problem in terms of the impact on the communities and neighbourhoods that they go into. We've got to shut them down. This isn't the be-all and end-all—nobody says it is—but it's a very important step forward.

The Acting Speaker: Further debate?

Mr. Robert W. Runciman (Leeds–Grenville): I appreciate the opportunity to participate in the debate on Bill 128.

The member who preceded me described this legislation as an important step forward. Although at the end of the day our party will probably support the legislation, it's certainly not an important step forward. That is spin that I guess the government backbenchers have to deliver as part of their responsibility to support the government's legislation. But the reality is that at the end of the day this legislation will have no real, meaningful impact on the growth of grow-ops in Ontario.

We've heard some discussion about more police officers. Certainly, our party supports the addition of officers in the province of Ontario. Part of our platform in the last election was another 1,000 police officers. During our previous tenure in government we did add 1,000 new officers under our community policing program, and we committed to doing the same.

The Liberal government has made that commitment, but we're now a year and a half into their mandate and we have yet to see anything meaningful happen in that direction. So, knowing the hiring process—the involvement of the municipalities in the decision-making and the hiring—it's doubtful that we're going to see any meaningful move in that direction either.

What has to happen, in my view, is—we pressed this, when I was justice minister, at the federal, provincial and territorial conferences of justice ministers, and had the support of most other jurisdictions—minimum sentences that will be required for grow-house operators. I think that is the key to having a real, meaningful impact. Of course, we understand that that requires federal legislation. It requires amendments to the Criminal Code of Canada, and the federal Liberal government has been loath to make those changes.

I noticed Anne McLellan, following the tragic shootings of the RCMP officers in Alberta, suggesting, "Well, maybe we will take a look at minimum sentences." I don't think necessarily that minimum sentences would have happened in that case. But in any event, I found it passing strange that Ms. McLellan, in the wake of that tragedy, was suggesting that maybe we should look at it. She was the justice minister when I appeared at a number

of meetings, and she and her government were completely unwilling to consider the concept of minimum sentences for the operation of these grow-ops.

I'm sure that the current Minister of Community Safety has the same issue note that I have with respect to this; it has probably been updated to some degree. But I just want to put on the record some of the situations that are occurring. I'm giving you an example of the low-penalty-risk and high-profit business that this is. There's no wonder why it's growing so rapidly.

A small indoor grow operation—that's described as 50 plants produced times three grows a year; 150 plants a year, a very small operation—can yield a profit of \$175,000 a year. That's a profit. Being caught with 150 plants in various stages of growth would get the offender a jail sentence of 60 to 90 days at most, but more often than not it's a conditional sentence. That's a reality. A conditional sentence, and you can make \$175,000 a year.

1630

Now we'll move on to an average indoor grow-op. At 300 plants produced—that's the capacity—times three grows a year, 900 plants can yield a profit of approximately \$1 million a year. So what does getting caught with 300 plants in various stages of growth get you? What's the experience in the Ontario judicial system? What it gets you is a short jail sentence of up to nine months, but more likely, on average, a conditional sentence. So you can make \$1 million a year in the province of Ontario and you might, but the odds are against it, be sentenced to nine months in a provincial facility, and you'll be out in three—that's the likelihood with parole—or, more likely, a conditional sentence. A million bucks versus that. That indicates very strongly why so many people are quite willing to get into this business.

A large grow-op would see approximately 20,000 plants produced, totalling \$30-million profit in a year. Even in these instances, the individual would be subjected to an 18-month period of incarceration in a provincial facility, and the likelihood is, they're not going to complete a full sentence before they're released. That's a pretty good basis on which to take the risk, take the gamble, when you look at the very modest cost associated with this.

In Canada, a marijuana grower found guilty of possessing 45 kilos of marijuana will receive a maximum sentence of two years less a day. In the United States, the same offence could receive as much as 20 years in a federal prison. That's the contrast, that's what we're dealing with and that's what the federal government is unwilling to come to grips with.

To date, there has been some indication that our current government is prepared to call for minimum sentencing but they're certainly not making it a priority. I'm not seeing a strong stance or a strong effort to embarrass the federal government, as they're doing on the fiscal situation, very vigorously attacking their federal colleagues when they can't manage their own finances. Here is a situation that's jeopardizing many communities and individuals and children, but they don't seem to be

prepared to launch the same kind of campaign to ensure that we get tough minimum sentences in place at the federal level. So the government's answer is this legislation. As I said, I don't think this is going to have any impact whatsoever. It is a very modest measure.

I think one of the things the government should commit itself to doing, through the Attorney General's office, is that every sentence where a grow-op operator is brought before the courts—and I've seen it in my own riding, where the provincial judge is giving these people a slap on the wrist, no jail time, perhaps house arrest or a conditional sentence. I think it offends most citizens, but this is what the judiciary is doing so often, and there's no crown appeal. I think the Attorney General should be instructing the crown law office in every one of these instances, setting a bar, directing the crowns across the province that we're going to appeal every damned one of these things. We're going to appeal them and we'll take them to the Supreme Court of Canada if we have to. We are not going to sit by idly while you allow this proliferation of grow-ops in this province to occur, not just in Ontario—but Ontario, I understand, is now the largest producer in Canada. Whether that's accurate or not, perhaps the minister can comment on that. That's what I'm being told. When I was the minister, in the note I was given, they were estimating indoor operations were generating about \$1 billion a year in the province of Ontario, and I understand it's quite a bit higher than that now.

I think there are two elements here that the government should be proceeding on very vigorously. One is a multi-pronged campaign, and certainly they'll have the support of the chiefs of police, the policing organizations and people who care about children in getting after the federal government in a very vigorous, high-profile campaign, making sure that Ontarians understand what's happening here and do their part in embarrassing the federal Liberal government to take action and amend the Criminal Code so we can have a meaningful impact on stopping the proliferation of these operations.

I do want to talk about a couple of other things. I know that the minister and his government, the Attorney General and the justice ministers, certainly want to project an image. We heard this from the NDP member earlier. I disagree with some of the things he had to say about our government. I could be critical of his party when they were in power, with respect to justice issues, but I'm not going to do that. Maybe I'll do it at a later date. He's not here, so I don't think it serves any useful purpose.

I do want to put on the record a number of things that have happened during the 18 months the Liberal government has been in power. One, of course—and we've talked about it, but it hasn't received much attention—is effectively the dismantling of the victims' office, which fell under the Ministry of the Attorney General. That has been torn asunder. The vice-chair of the victims' office was released from his responsibilities. I'm not sure exactly what's happening there. Of course, the Attorney General and the government have access to the funds in

the victim fund. Hopefully, we can monitor the utilization of those funds to ensure they're being used in an appropriate way.

I want to talk about a couple of things. Policing costs: I wanted to reference that.

We have called for the additional 1,000 police officers. We've put pressure on the minister to make good on his promise. I don't object to that. I support it. But our police are so overburdened today with red tape that I think that's something we should be looking at seriously.

Before I left the ministry, I asked a gentleman by the name of Ron Bain, who is the deputy chief in Peel region—I understand he's now the ADM of policing services; an outstanding police leader—to conduct a red tape review of policing. I understand that review was completed but never released, let alone acted upon.

There are so many things out there taking up the time of police officers. That's one of the reasons we're having so many problems in terms of police officers not being able to respond, with communities facing this ever-growing policing cost but still not being able to adequately police their communities. We have to take a look at this, and we have to do something about it.

I was told a couple of months ago that if you want to apply for a search warrant in Ontario, the application is in excess of 30 pages. If that's a national problem, I guess we have to deal with the national government. The chiefs of police I was talking to were telling me, "Well, you can contrast that with Quebec." A Quebec application for a search warrant, which has some applicability when we're talking about a grow-op, is very few pages when they're making an application to a justice of the peace or to a judge for a search warrant. If that's the case, why the devil aren't we doing something about that?

In fact, we're letting this report, which I commissioned, sit in a desk of the ADM of policing services rather than bringing it forward, making it public and then saying, "We're going to do something about it." If the minister wants a meaningful agenda for the next two years, I would encourage him to get that report out of Ron Bain's desk, make it public, and then act upon it. You would have, I think, a real, meaningful impact on freeing up police to do the job they should be doing.

An impaired driving charge can take seven, eight, 12 hours. If it's a serious accident, it can take an officer off the road for two or three days. Whether you want to talk about domestic disputes—and many of them are not real domestic disputes—again, you're looking at a minimum of seven or eight or nine hours of that officer's time that is going to have to be devoted to all of the paperwork and report-filing required by government to deal with these situations.

1640

I can go on and on, but I think the minister—and he's here tonight—should be taking a look at this report. He may not even have been aware of it, but he's aware of it now and he can't excuse inaction in the future. At some point, I may be asking him about this because I am

making him aware of it today, and encouraging him to look at it, to consider making it public and talking to other stakeholders about it.

I can assure him—and I'm sure he would feel comfortable—that anything Mr. Bain does is going to be done well and any recommendations he makes will have merit. The minister can feel comfortable in proceeding. It will provide him with a meaningful and effective agenda for the next couple of years. That's my suspicion. It's only a suspicion, but I think a solid one, because I never got to see the final report before I left the Grosvenor Street office.

There are a number of other things. I mentioned the government tearing asunder the victims of crime office. We also know they closed down Project Turnaround, the strict discipline camp for young offenders which had a very beneficial effect in turning around young offenders' lives. The recidivism rates of graduates of Project Turnaround were dramatically better than those across the system. But the Liberal government, for ideological reasons, has done away with the strict discipline concept.

Another element—and this is a strange one. As I understand it, they've disbanded the Ontario Crime Control Commission, which I think did some good work. They could have utilized a number of their backbenchers and a number of their parliamentary assistants, as we did when we were in government, travelling the province, listening to people, talking to victims, talking to others who had interests in issues that affected public safety.

They've quietly closed down the crime control commission, yet the strange thing, if you go in the phone book, there's still a number there for the crime control commission. I gather someone still answers and says, "Crime control commission." So this is a façade with respect to the fact that they've actually done away with the crime control commission with no public explanation or public declaration. In fact, they're trying to give the public the impression that this office is still in operation. In reality, it's something quite different.

I quickly want to mention a couple of other things. The security council—I know the minister, when I raised this with him some time ago, said, "Well, you know, their time was up. You hadn't renewed them." The fact of the matter is, we had General Lewis MacKenzie and Norman Inkster, the retired commissioner of the RCMP, serving on that security council, along with Jim Young, the province's medical officer of health and the minister's security adviser. I think they were performing an important role in terms of monitoring security matters in the province of Ontario, but one of the first orders of business of the minister and his government when they assumed office was to disband that and really wash their hands of these kinds of issues, indicating, "Those are federal responsibilities. We're going to rely on our federal friends to take care of those matters." I think that's a serious mistake. We can point to failings of the federal government in this area ad nauseam. But I wanted to point out today that this is the first opportunity I've

had to respond to that comment the minister made in question period.

He also mentioned St. Lawrence Valley in a response the other night, that St. Lawrence Valley wasn't going to proceed regardless of whether the Liberals had formed the government or not. That is not accurate. St. Lawrence Valley would have been completed. We had started phase two and there was a strong commitment, even within the senior levels of the bureaucracy, to the project and the concept of creating a centre of excellence for a variety of treatments for people incarcerated in the provincial correction system. In fact, Mr. McGuinty, when he was Leader of the Opposition, visited Brockville a couple of months prior to the election and made a commitment to the community that that project would be completed. But of course we've learned about Mr. McGuinty's comments in so many areas in so many parts of the province.

Finally, I want to mention the question that I put on the order paper, the resolution regarding Karla Homolka and the fact that Ms. Homolka is going to be released from Joliette prison in 89 days. The Attorney General and the government have talked about doing something, going to the courts to invoke section 810 of the Criminal Code to place conditions on her release, including, as I suggested, if she comes into Ontario, electronic monitoring. That would have to be an amendment to our policy, but I think it's an amendment that the people of Ontario would support.

One part of my resolution calls on the Legislature to ask the Attorney General of Quebec—that's the jurisdiction that she will be released in, and strong indications are that she will be resident in the province of Quebec for some period of time. So I'm asking my colleagues in this House to join with me in asking the province of Quebec to appeal to the courts to utilize section 810. If that doesn't happen, and we are not certain of her whereabouts, I think the Attorney General of Ontario should move quickly to make the same application to the courts in Ontario.

We will, in all likelihood, support Bill 128, but I want to reiterate that this is not going to have any meaningful impact on the growth of these operations in the province of Ontario.

The Acting Speaker: Questions and comments?

Ms. Churley: I have the opportunity in a few minutes to speak at length, but I want to respond to the member for Leeds–Grenville. I don't understand why anybody would vote for a bill that is clearly not going to do what it says it's going to do. I know it can be a problem for oppositions sometimes because of the general perception, the spin that's put out there—the title-of-the-bill spin—that if you vote against it, you're soft on crime. Of course, the government of the day will use that to its utmost advantage. I presume that's part of the problem and why the Tories feel that they have to vote for it. But just admit it: Given all of the problems with this bill, it's not going to do what the minister says it's going to do, and it therefore gives the false impression out there that this bill is actually going to crack down on grow-ops.

I think we all have stated different opinions, given what's going on in Ottawa with the decriminalization of marijuana: from the real hardcore crackdown on marijuana usage of any kind, in any way, shape or form, to those of us who say that if you're going to go that far, you've got to deal with regulation—how it's sold, essentially—to get rid of the crime that's behind the grow-ops. I'll be talking a bit more about that. But this bill is not going to do it, so it really is smoke and mirrors.

I see no reason in the world to support this bill, because it's not going to do what the government says it's going to do. The grow-ops are going to continue out there because the real remedies that we need to get rid of them are not provided for in this bill.

Mr. Pat Hoy (Chatham–Kent Essex): I'm pleased to make some comments about the bill before the House today and talk about grow-ops, or marijuana operations, in residential homes.

It's been stated by others that in 2002, in the York, Peel and Waterloo regions combined, 17% of grow-ops were located within 500 metres of primary and secondary schools, and there were other statistics given on the urban incidence of these grow-ops. I can tell the Legislature that it's not confined to urban Ontario, of course; we have these situations in rural Ontario as well. People do have a very serious concern about these operations.

I'm told and I read in the press that they do from time to time operate near schools. I have read in the press that persons on wonderful residential streets come to find out that these operations are indeed operating, and that they've actually destroyed the house. They've destroyed the house with the moisture content; there might be earth and whatever else that might be in there that's beyond my knowledge. The values of the homes around them tend to go down after that. I think that's something we should consider as legislators, that we eradicate these grow-ops, because for the people in some areas—not all of them—there is a certain aura about them that devalues the homes around them.

Yes, there is going to be action taken here. We should also support the idea that disconnecting hydro that costs us \$100 million a year in stolen hydro should happen, support giving the Fire Protection Act more teeth, and of course support ensuring that any profits from these operations are returned to police enforcement and other good works that we can do as a province. I support the bill. I would imagine the opposition will give strong consideration to supporting this bill.

1650

Ms. Laurie Scott (Haliburton–Victoria–Brock): It's a pleasure to rise today to comment on the words from the member from Leeds–Grenville, who was in the former Ministry of Community Safety and Correctional Services and who made the point that a lot of work had been done there, and how he would like to see those reports brought forward. I think the minister should take that advice and look into the solutions that are maybe already sitting on his desk, in respect to a lot of issues in this file.

I'm glad that the member from Chatham-Kent-Essex brought forward the rural issues. In my riding, I think probably the best crop growing lately is the marijuana crop. It gets the best prices. There's a large issue in rural Ontario in respect to the grow-op houses. I know the urban issues have been brought forward a lot, but there are a lot of empty farmhouses and vacant land that's hidden, similar to what has occurred in Alberta. If we had more police officers, we could investigate. They could be monitored. It could be enforced.

The bill, in principle, is good, but it does not give the authority or the tools to the police officers to decrease the number of grow-op houses in Ontario. There are many empty houses that the police are suspicious of and would like to enforce and investigate further, and they are unable to do so.

There was a \$3-million bust in the city of Kawartha Lakes recently, last October, which was a grow operation. I thank the police for their involvement and investigation of that. Maybe we could get on top of these things sooner. Maybe we could decrease crime. Organized crime has been mentioned several times. Definitely this is a profitable business, and we're not giving the police officers the tools to deal with it.

Project Turnaround was brought up. I think we need to encourage more projects like that for our youth and for our young offenders, and decrease recidivism.

The Acting Speaker: The Chair recognizes the member from Leeds-Grenville in response.

Mr. Runciman: I appreciate the input. I said our position is that we would probably, at the end of the day, support this legislation. That isn't finalized, but I think, from our perspective, that it's probably the best we could hope for from the Liberal government.

I think the bill will do what it says it will do. Unfortunately, the government is suggesting it will do much more than what the bill actually outlines, and is suggesting that it is going to have a real and meaningful impact on the proliferation of grow houses in Ontario. It's truly unfortunate that the government persists in saying that. I don't think there is anything whatsoever in this legislation that will have a meaningful impact.

The member mentioned children. My notes suggest, and this was a 2003 note, that Operation Green Sweep found 44 children living in grow house operations. That was in 2003. So this is not just a neighbouring schools and neighbours problem. They're actually housing kids in these grow operations.

Organized crime certainly is key: Biker gangs are key operators of these facilities. There are also questions about money being funnelled to fund terrorist organizations. These are serious issues that the government has yet to come to grips with. There's an awful lot of opportunity out there to play a meaningful role in combating these operations. The minister has some tools at his disposal, and I would encourage him and his colleagues in government to utilize them and take action to have a real and meaningful impact. This legislation will not do that.

The Acting Speaker: Further debate?

Ms. Churley: First, let me say I'm pleased to see that the minister has been here for most of the debate to date.

Hon. Mr. Kwinter: All of it.

Ms. Churley: All of it—he may have slipped out for a moment or two—and I mean last week as well, when the debate started. Of course, that's not always the case. I know ministers are busy; it's not a criticism—

Mr. Runciman: He's old school.

Ms. Churley: He's old school; that's right. That's a compliment, I guess. Not all stay, because they're busy people, but I appreciate, as we all do, the minister taking the time from his busy schedule to stay in the Legislature and listen to our comments.

I want to follow up on the comments made last week by our critic in the area, the member from Niagara, who had a whole hour and had a whole lot of fun with the bill, although he gave some extremely serious criticism as to why this bill is not going to be able to do what the minister hopes it will do.

I just have to say this at the beginning because my brother was an RCMP officer. He's retired now. He got in very young, as many do, and retired relatively young, and continues to work in enforcement in various ways. I remember just recently, when the tragic incident happened where four RCMP officers were slaughtered, and we were first told on the news that it was the result of a grow operation, and we of course consequently found out that in that case it wasn't. The situation that happened was so tragic and so awful that it hardly matters whether it was a grow-op or not. It did highlight for a short period of time when we all thought it was a grow-op, how dangerous those places can be. As it turned out in this case, we were dealing, as we found out, with a sociopath type of personality who clearly, from what we've seen about his past, should have been jailed or dealt with far more vehemently than he had been. Nonetheless, certainly any of us who have, or have had, relatives in the law enforcement business, every time—and those people in particular, like my brother. Our heart leaps to our throat because we've been close enough, as I have, to family members in that area who have had close calls of their own.

I mention that simply because, even though in this case it was not a grow-op, as it turned out, we are all aware that grow-ops are a problem, and a huge problem for all of the reasons that have been outlined by the minister and others. I don't think there is any disagreement among all of the parties that they are a problem. There are disagreements about the best way to deal with it, and rather big disagreements particularly between New Democrats and Conservatives, and I expect Liberals have different opinions on where the whole marijuana debate should go, given the federal bill that's before the House now, where they're embarked on a pretty clear course of decriminalization, and where that leads us. As our member, our critic in the area from Niagara, Peter Kormos, said, that clearly leads to the next step: looking at controlling and regulating it.

As has been pointed out, this really comes down to criminal activity. You separate out to some extent what the views are around marijuana and the usage of marijuana because the fact is, there are a lot of people using it and will continue to use it, and will get it any way they can. That's what's happening; we all know that. And because of the way it's dealt with now—it's completely illegal—criminals, and hard-core in many cases, are the ones who are controlling and regulating this substance and making a lot of money off it, stealing power from communities and causing dangerous, unhealthy atmospheres. We sometimes read after busts about children who are living in these grow-ops. It's a criminal activity that is very hard to get at.

1700

Just outlining my position on this, I totally agree that we have to deal with the grow-ops and find a way to lessen the criminal activity involved in it. This is not going to do it. Reportedly this bill is supposed to make it easier for police to dismantle and prosecute marijuana grow operations, but when you look at the bill, it really is smoke and mirrors. You've got to ask what the minister was smoking when he came up with this bill, because it tends to change very little, and the few changes that are in it don't really make that much of a difference to the present situation.

The bill is primarily for PR purposes. The government knows that the public wants to see something done about crime and wants to see something done about grow-ops. This is one of those bills where you put it forward—others have said this—and talk up the best you can all the pieces in it that are going to make the changes and allow people to believe that it's really going to make a difference. But when you look at the bill, when you examine it closely, you will see that it's not going to do that. It inappropriately puts part of the responsibility of detecting and dealing with marijuana grow operations on to safety inspectors and electricity distributors, rather than focusing more on effective policing-based solutions.

It has been said by my colleagues, and it will be said again, that what we're not seeing is what the government promised in the election campaign, and that was to put 1,000 new cops on the street. We're not seeing that happen.

There are other parts of the legislation that are overly broad and could be applied to things other than their intended uses. Maximum fines for violation of the Building Code Act are doubled, but these fines are not limited to violations related to grow-ops and can apply to any violation of the code. It could include things like improper sewage systems, letting the public into the building too early etc., and could be unduly punitive and broad in these cases. There are a number of other parts as well that I think have been clearly defined by others in this House.

I want to get to some of the solutions to the problem, given that my contention here is that this is not going to solve the problem. I hate to say it, but I don't know if the minister has read this from the Fraser Institute. I don't

often quote the Fraser Institute. I know you, Mr. Speaker, and your party quote the Fraser Institute from time to time. I don't often agree with them. I have to say that this really surprised me because the Fraser Institute, a very right-wing, conservative think-tank, actually says to legalize it. That one goes further than some of the lefties out there. Let me quote from what the Fraser Institute's Professor Stephen Easton argues.

Mr. Chudleigh: They're academics, not real conservatives.

Ms. Churley: Oh, the Conservatives are saying these are academics, not real conservatives. OK. You make that distinction when you don't agree with them, but when you agree with them, they're real Conservatives.

Let me read to you what this academic from the Fraser Institute says about marijuana growth in BC: "This paper raises several issues that have the cumulative effect of suggesting that in the long term, the prohibition on marijuana cannot be sustained with the present technology of production and enforcement. To anyone with even a passing acquaintance with modern history, it is apparent that we are reliving the experience of alcohol prohibition of the early years of the last century ... the broader social question becomes less about whether we approve or disapprove of local production, but rather who shall enjoy the spoils. As it stands now, growers and distributors pay some of the costs and reap all of the benefits of the multi-billion dollar marijuana industry, while the non-marijuana-smoking taxpayer sees only costs." That is directly from an academic conservative who wrote for the Fraser Institute, and I think it sums up the problem we're facing here.

I listened to some of the speeches in the House. I look around, and some of them aren't here. I'm certainly not going to name names, so don't get worried. But some members stand up on their hind legs and are just incredibly self-righteous and pious. They talk about how bad marijuana use is and they should all be thrown in jail etc. Well, I've seen some of those members in certain circumstances drunk as skunks, from time to time. It's been legal. I haven't seen them get in a car and drive, so I'm not criticizing. It's legal in our society, as long as you don't hurt anybody else, to go to a party or whatever, drink alcohol, stagger around and do whatever. I have seen members in this House from time to time in that state, but that's OK because it's legal. Well, let's not get too pious about that. Let's not get too self-righteous about that.

There is an overwhelming amount of evidence—and I'm not saying any drug, including alcohol. We know the incredible harm that alcohol can cause to humans, both financially and psychologically: the breakup of marriage, drunk driving, fights, kids; you name it. It's an incredibly harmful substance, like tobacco. But because it was legalized, for whatever reason—because people liked it and were using it anyway, somewhat as the Fraser Institute said is happening with marijuana right now—society agreed that every method they tried to bring in to stop the sale and to ban these illegal substances, par-

ticularly alcohol, was not working; just as the Fraser Institute said that marijuana is a multi-billion-dollar industry controlled by crime and that society in general does not reap any benefits from it but in fact pays the price.

I was looking today at another article about the possible medical benefits of marijuana. I don't know if any of you have friends who are licensed. Eventually that got taken care of, but it took a long time. I have a friend, James Wakeford, and some others who are living with AIDS and were finally licensed. There are all kinds of illnesses that we now know about, and the federal government allows them to smoke marijuana to help with their symptoms. But they were put in a position where they had to go and buy it from the biker down the street or downtown or wherever, because there was no legal way to get it. What a ridiculous position. Also, I think my friend James was arrested, or at least threatened with arrest, for growing his own, even though he was ill and was allowed to smoke it, because it was still illegal to grow it. He didn't want to go out there and deal with crime. He was growing his own quite openly and was at least threatened with arrest.

I was reading a very interesting article today—I don't know if anybody here saw it—in the *Globe and Mail*. "Not Ready for 'A Joint a Day'" is the title of this article. They've just done some initial tests on mice, and it says:

"Low doses of the main active ingredient in marijuana slowed the progression of hardening of the arteries in mice, suggesting a hint for developing a new therapy in people.

"Experts stressed that the finding does not mean people should smoke marijuana in hopes of getting the same benefit," at least at this point.

"... 'A joint a day will keep the doctor away,' I think is premature," said Dr. Peter Libby"—

Mr. Patten: It's worth a try.

Ms. Churley: Mr. Patten says, "It's worth a try." Hey, if it can keep the arteries from hardening—"chief of cardiovascular medicine at Boston's Brigham and Women's Hospital."

Then he goes on to talk about what the study showed. But it just makes me aware, and we all should be aware, of what an incredibly dangerous drug culture we live in.

My colleague Peter Kormos, for fun, read into the record the other day a recipe for majoun. I travelled in Morocco when I was a young woman and actually came face to face on some occasions with majoun. He read into the record what it is and how to make it.

1710

You mix up a quarter ounce of the tops, just the tops, of cannabis sativa—I believe that's the flowery part—of the sweetest kif you can get, crumbled, stems and seeds removed, a cup of chopped dates, half a cup of raisins, half a cup of ground walnuts, a teaspoon of ground nutmeg, a teaspoon of aniseed, a teaspoon of dried ginger, half a cup of honey, half a cup of water—use more if needed—and two tablespoons of melted butter or ghee.

It even tells you how to cook it. It says, "In a dry skillet, toast the marijuana over very low heat until it begins to release an aroma. Combine it with the dried fruit, walnuts, spices, honey and water and cook until the ingredients are soft. Remove to a heavy bowl and mash the pulp until the ingredients are well blended, or put into a food processor and blend, using several short pulses. Add the butter and stir until blended. Spoon into a jar and store in the refrigerator. Serve on crackers, eat by the fingerful or use as a filling for mamoul."

I remember when I came face to face with this as I was travelling around Morocco. There was chocolate, sometimes, mixed in with this fruit as well, which I hear could make it extremely delicious. When people started to eat it, because of the chocolate in it, one of the problems was that, because of the impact of the marijuana, they couldn't stop eating it. You just kept wanting to eat. I've been told that's what happened.

The reason I bring this up—this was many years ago, when I was a young woman travelling around—is the difference in cultures. I don't think it was necessarily legal, although it might have been over there, but it was a complete reversal of our societal attitude toward alcohol and marijuana. I'm just giving you this information to illustrate how different it can be.

In Morocco, I was stunned to see and find out that everybody ate majoun. They had their little sips with sweet kif at the end of them—their little pipes—and sat around in cafés smoking it. It was pretty much part of normal life. But alcohol was frowned upon and illegal. I remember the perversity—it's just the opposite of what we see here—of some local people coming to me and some of the Westerners who lived there at the time and asking if we could go and buy them a bottle of wine. We would meet in some dark corner somewhere and I would hand it over. I would get nothing in return. Don't think there was any exchange going on; I would do it as a favour.

I'm not kidding. It's the complete reverse of what happens over here in the Western world with marijuana. The bottles would be hidden under the djellaba, and off they'd go. It just goes to show that where you have a prohibition on a drug, there's much more likelihood that it's going to be used in an unwise way. There's no control over it whatsoever. People are sneaking around, like they are now, with marijuana. It is not in any way controlled or regulated by the government.

I see that my time is rapidly running out here. I just have to end with this. The legislation before us is not going to stop this problem. It's hardly going to make a dent in it. We have to look at what they're doing on the federal level. I support what they're doing but I believe that we cannot stop there. The next step is for the government to start controlling it and regulating it. That would stop the criminal element, it would regulate it properly and it would increase the revenue for the government by many billions of dollars, I believe. I hear Mr. Klees sighing. But if you look at the evidence and read the Fraser report, the Fraser Institute agrees with me on this.

Mr. Klees: I'll cancel my subscription.

Ms. Churley: You'll have to.

The Acting Speaker: Questions and comments? The member for Halton.

Mr. Chudleigh: Thank you, Mr. Speaker. It's—

Hon. David Caplan (Minister of Public Infrastructure Renewal): Did you get the recipe down?

Mr. Chudleigh: No, I have no use for that recipe. I pride myself on cooking, but not those kinds of recipes. I have a very nice recipe for a baked salmon with some spices on top. It's a regular salmon; it's nothing untoward.

It's not very often that I agree with my NDP counterpart, in even the smallest degree, but when she talks about this bill being somewhat inadequate to attack the problem that is before us, I do agree with her on that. The fact that the solution might be to legalize marijuana I take great issue with. If we legalize marijuana, the next drug begins to become more acceptable, and that creates a huge problem in our society. We have been very active in our society in eliminating tobacco use, and the more we progress in that area, we don't want to backslide in the area of marijuana. Therefore, continuing the pressure on tobacco is the direction we want to go in, while taking into consideration that tobacco currently is a legal form of use and that anyone who has been impacted negatively by government action on tobacco should receive some type of compensation, be that whatever different type of compensation. I don't have time to go into them now, but it would be reasonable to look at bars and restaurants that have installed very expensive fans, for instance, as being one of those groups of people that might want compensation in that area.

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): It's a pleasure to speak on Bill 128, on the grow-ops. I was going through a well-known business magazine, *Forbes*, which gives details about the whole thing. It says that the marijuana industry "has emerged as Canada's most valuable agriculture product—bigger than wheat, cattle or timber." This magazine also suggests that the Canadian marijuana trade is worth more than about \$4 billion. In 2002, the grow-ops were estimated to have cost this province nearly \$100 million. The Green Tide report, published by the Ontario Association of Chiefs of Police in the fall of 2003, states that about \$80 million in electricity is stolen by illegal grow operators every year.

I support this bill because what the Minister of Community Safety has done is brought and proposed a bill that, if passed, will make our communities safe from crime, safe to live in and will also affect the health of the people of this province. That's why I support this bill.

Mr. Klees: I want to comment very briefly on the comments made by the member for Toronto-Danforth. It's opportunities like this where, clearly, it's very obvious to observers of this House that there are differences of opinion on many issues, and that's the purpose of debate. I must say that I do find it somewhat disconcerting, regardless of the member's position with regard to marijuana use or what her liberal views might be on

that—and she's entitled to that. I do think that for us to come to a point where, in this Legislature, a very public place—we have pages sitting here and observing these proceedings. Students across the province have an opportunity to observe this debate. There are Hansard records. I know the member is going to suggest that this is some form of judgmental comment that I'm making, and it's not meant to be that at all. I do say that as members of the Legislature, for us to use the time and debate for a bill as important as this to provide a recipe for marijuana cookies really is beyond the limit. It really is beyond the pale, and I'm offended by it. We can disagree on the issues of legislation before us, and we obviously do, but I question the honourable member's judgment with regard to that.

1720

Ms. Scott: It is a pleasure to rise today to speak to the comments by the member from Toronto-Danforth on Bill 128, the Law Enforcement and Forfeited Property Management Statue Law Amendment Act, 2005. Certainly, there are challenges out there. I noticed that the minister, in his introduction of the bill, mentioned that it was a first step, and we hope that is true.

The police need more tools. They need another 1,000 officers. They have some good tools right now that I know are valuable up in the rural parts of Ontario. I'm looking for them. They have the FLIR, which stands for "forward looking infra red" radar, which is a thermal imaging camera. So if you hear the choppers flying overhead, they are seeing inside your house. Those are more of the types of tools that we need, especially with the grow-operations that are happening in rural Ontario. Keeping our young people out of crime, trying to limit organized crime from forming up in the rural Ontario areas—to see the charges in the newspapers, to draw attention to the areas in this matter, is not what any of us wants to see.

When we said that the bill is a first step, we hope that they bring more police officers in. We hope that they give more money to the OPP and to the other municipal police officers so that they can enforce, track down and capture these criminals who are doing that.

There are certainly many opinions that can be shared. I know the third party has certainly spoken a lot about legalization of marijuana. That's for the future to decide. There's a lot more testing on the effects that it will have on our society. So I welcome more comments and debate on this bill.

The Acting Speaker: In response, the Chair recognizes the member from Toronto-Danforth.

Ms. Churley: I thank all the members for their interesting comments to my remarks. I'm sorry that I offended the member for Oak Ridges. I must say it's not the first time that I've disappointed and offended people. I apologize for offending him. It's possible that I could be accused of creating a collector's item of Hansard today to get this recipe—and I'd be happy to sign it—but somehow I don't think that people are going to go rushing out to get copies of Hansard. But if they are,

perhaps the Legislature could make some money off it. It could start selling this new psychedelic cookbook with majoun. They're not marijuana cookies; it's called majoun. It's an ancient Arabic recipe, as I understand it. Come on. Even the member for Oak Ridges is laughing now.

What I was getting at here in talking about the hypocrisy that we sometimes show when it comes to this kind of stuff was to describe how different cultures look at drugs differently. That recipe I read out and the usage of marijuana and hashish in some countries is much more acceptable than alcohol, yet we talk about drinking alcohol as though that's fine. We can get up and give a cocktail recipe for a Pink Lady, a Rusty Nail or whatever, and that would be fine because we sanction it.

I was just trying to make a point here. One of the points I was trying to make is that this is a very important social issue I believe we're debating now. It's not just about grow-ops. As I said, we live in a heavily drugged society. People are getting prescriptions for all kinds of drugs—mood altering, sleeping, etc.—causing all kinds of damage. Let's look at this whole issue realistically.

The Acting Speaker: Further debate?

Mr. Mario G. Racco (Thornhill): Hearing the comments of the member for Toronto–Danforth makes me wonder. We are working to eliminate smoking in public places and there are people in this House who are potentially promoting the use of marijuana. Certainly, it's another world to me.

Having said that, I want to make some comments today on Bill 128. I want to share my time with my colleague from Pickering–Ajax–Uxbridge.

On behalf of the people on Thornhill and Concord, I want to thank Minister Monte Kwinter for bringing forward second reading of Bill 128 today. The bill combats residential marijuana grow operations. Unfortunately, there have been a number of homes affected in the vicinity of my riding of Thornhill and Concord. Therefore, it is important that we pass this legislation as the first step in a co-operative and comprehensive province-wide strategy to protect all members of the community from the many dangers posed by marijuana grow operations.

Bill 128 is the first step in addressing the issue, an issue on which we, as a province, are limited in what we can do. Criminal activities are dealt with at the federal level. I trust and I note Minister Kwinter has and will continue to communicate the message to our federal colleagues.

I am pleased to report to the House that my police chief, Armand La Barge from the region of York, is fully supportive of Bill 128. If Chief La Barge supports it, I feel comfortable that my constituents of Thornhill and Concord also support Bill 128.

My constituents are aware that Minister Kwinter has already put together a joint committee of the Ontario Association of Chiefs of Police and the Ontario Police Association so that, together, they can come up with a plan that will work for Ontario. They are the ones who

will have to deal with the marijuana growers and, therefore, they are the best ones to make recommendations on how the legislation should proceed.

Minister Kwinter has made it clear that Bill 128 is the first step in developing a comprehensive provincial strategy to help create stronger and safer communities by dealing with the proliferation of residential indoor marijuana grow operations that threaten the safety of our communities. When this House allows the passage of this bill, it will allow, for instance, an electricity distributor to disconnect the hydro without notice in accordance with a court order for emergency safety or system reliability reasons. It will also require building inspections of all homes that police confirm contain a grow-op. If municipal officials judge the property to be unsafe, they are required to issue orders for repair. This will protect people from purchasing a property that would require thousands of dollars of repairs. At the city of Vaughan, councillor Linda Jackson, for instance, was trying to introduce such a bylaw so that the purchaser of a home would not be stuck with significant bills to fix a house, and that is one way of addressing such an issue.

1730

Also, this bill will allow doubling the maximum penalties under the Fire Protection and Prevention Act. Most importantly, it will be setting up a special-purpose account so that the proceeds of grow-ops and other criminal activities, such as real estate, vehicles and other equipment, can be spent on enforcement, crime prevention and compensating victims. That is a very important section. Money coming from those criminal activities will be allocated to fight the same crime. Ontarians have been asking for that type of legislation, and I'm happy that Minister Kwinter has done so.

This bill addresses the issue raised by the Green Tide Summit, which brought together for the first time ever, in the same room and at the same time, representatives from the various levels of government, police services, public utilities and the private sector to seek solutions to the problem of grow operations. The summit recommended forming the Green Tide action group to ensure that we are continually working on this problem so that the issue will not disappear. In other words, we will continue to find ways to solve the problem. It will be, by developing new protocols for interaction between the police and municipal building departments. That is a very important area, because quite often municipalities don't really know where to go to solve the problem.

We are also committed, as you know, Mr. Speaker—the government did commit, before the election, to hiring an additional 1,000 police officers in Ontario. I am convinced that when this bill is passed, when it receives final approval, the minister can also try to coordinate so that some of these new police officers, especially in areas like Concord and Thornhill, will be used to fight marijuana grow operations.

It is a good bill. It is a bill that we should be passing as quickly as is possible. I trust that all of us will do exactly

that so that our communities, our province, will be a better place with this bill, Bill 128.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I appreciate this opportunity on Thursday afternoon, as we wind our way toward 6 o'clock to wrap up our activity for the Legislature during this week, and all of us will be returning to our constituencies to start our weekend work tomorrow, for the next three days. It's a never-ending cycle.

I'm pleased to add my comments and thoughts to Bill 128. I recognize the member from Toronto–Danforth, who commented on the minister's presence throughout all of the debate. He's still here, and that's a credit to him, to hear all of us in the debate that goes on.

The legislation in Bill 128, as has been referenced before, will amend some seven acts. I think it's part of a package of tools and that law enforcement, the judicial system, the support agencies and community functions will need to continue to wrestle with the issue, principally, of grow-ops.

I want to take a minute. Each of us in our own communities has current experiences or a recent experience with grow operations. Just this week in the papers, there was an incident in my riding, a result of a case that's been winding its way through the courts for some time. Unfortunately, the case has been dismissed. It was dismissed because the police in this instance had entered on to the property without a warrant. That occurred because they were called to the site as a result of vicious dogs running at large in the neighbourhood around the house, one chained, I believe. When they arrived on the site, one dog, I believe, was shot at. It ran into the house. The door was wide open, and the police officer, feeling it was a safety issue, followed the animal in. When he went in, he discovered the grow-op, in effect. The warrant was subsequently acquired. The police did all of the work they needed to do, but as this thing wound its way through the courts, the absence of the warrant on the first entry, chasing the dog, ended up having the whole matter dismissed. That one certainly has some attention in our community, but I think it just adds to the need to ensure that we have all the tools possible, and this legislation will be one more piece. It won't be the be-all and end-all—that's been said here today and in past debate—it won't meet all of the needs, but it's going to help address some of the needs we have in trying to address the grow-ops in our communities.

The legislation will deal in particular with a variety of powers and enforcements. It'll deal with the simple things, like doubling fines under the fire and fire code acts. The likelihood of a fire occurring in a grow-op is some 40 times higher than in a regular residence, probably primarily as a result, often, of the bypassed hydro systems and the amount of juice being punched through the home. Clearly, to the extent that those kinds of provisions will help to discourage that, or at least make people accountable for it at the end of the day, adding one little piece I think will be helpful.

In 2001, Toronto Police Service dismantled some 33 indoor marijuana grow-ops—not a big number, maybe, for a city the size of Toronto—but by 2003 that had risen to some 140. This year, 2004 moving into 2005, I guess, they're up to about 250-plus. Certainly it's a growing business, a growing problem in our communities, and we probably find in each of our communities that more and more of them are being identified. I mentioned the one that's been working its way through the courts, and the dismissal in that one. There's another one in my community that came to light fairly recently as a result of grass not being kept on the boulevard. Can you imagine that guys operating a grow-op of that size wouldn't be smart enough to cut the grass on the boulevard? So the municipality was called. They went out at the request of neighbours and cut the grass on the boulevard to tidy the place up, and they saw that the place looked unusual. It didn't look like it was being used in the normal, regular kind of fashion, which then resulted in the police taking the types of actions necessary to get access to the property, and that matter is before the courts. These are two homes in subdivisions in a suburban community—with neighbours living close by, with the schools close by, with the kids close by—that have affected the community.

More than one member in the Legislature today has made reference to what that does, potentially, to property values and the sense of community. When you see the spread of grow-ops into various neighbourhoods, you can get a sense of the impact that has on the feeling of the community that they're safe from organized crime, that they're safe from crime of a nature that reaches right into their backyard, in essence, in a very real way.

One of the huge issues that cropped up with grow-ops in the early days, when they were first being identified, was the matter of hydro issues—bypassing meters, hooking directly into the power supply to get the power needed, stealing millions of dollars' worth of power—but also the safety issues around that. This legislation will provide for another tool in that process, and that will allow for the disconnect of power when there is strong enough evidence that there will be a risk to safety as a result of the hydro being routed and/or a risk to the distribution system. It's another small but I think important tool, because hydro becomes one of the key indicators for us of the existence of grow-ops, and it's one of the things we as taxpayers and ratepayers in essence end up paying when millions of dollars' worth of power is being stolen out of the system on fairly regular basis.

1740

The setting up of a special-purpose account, in effect, to manage and deal with the proceeds of crime will be a helpful amendment to legislation. The establishment of a director, when there are proceeds of crime in large amounts that will be able to be managed in an effective way, will help not only in this matter of the grow-ops but also in other matters of significant crime. One only has to see the damage done to a property as a result of a grow-op to understand the impact on homes and on com-

munities: tons and tons of earth being hauled into the homes, walls effectively being knocked down, structures being modified in one fashion or another to allow the grow-ops to continue, the rerouting of wiring throughout the property, the growth of mould within the home, the addition of chemicals in large amounts for the grow operation itself that disrupts the home.

In some cases, when you have the home sitters there to provide some presence on-site, it is not unusual that you have young children, it seems, in those environments as well. When we see some of the news articles that come out and see the police reports of the conditions in which these children are living, it is clearly something we need to work harder at, in removing more of the grow-ops from our communities.

There is probably a long list of issues that we each face in our community. I think our police forces are doing a commendable job. I know the chief in Durham region, Kevin McAlpine, has been a leader in the Green Tide activity. Our police force generally has been very active in this regard. We had the pleasure of being one of the early municipal forces in the area to have a dedicated helicopter. Actually, we shared that initially with York region for a year or so before we acquired our own. It provides the level of surveillance that can come with a helicopter presence that is helpful in this regard.

These are, I think, all elements of a package. This is a piece of legislation amending some seven other pieces of legislation that will add a set of tools—not the only tools. As we continue to add that and as we continue to work toward enhancing and increasing the availability of police in our communities, it will make an impact on the grow operations. It will impact on the criminal activity. It will impact on the organized crime that is behind many, if not all, of these operations. It is good legislation. It will be effective legislation. It obviously won't solve all the problems related to this, but it will be a significant step in that regard.

The Acting Speaker: Questions and comments?

Mr. Chudleigh: The member spoke to the bill with some sympathy. It is always interesting to listen to the government side of the bill because it tends to hit the high points, the good points, of the bill.

As was mentioned earlier in the day by one of our speakers on this side of the House, we will probably be supporting this bill unless something comes to light in the debate that would move our vote in another direction.

Our concern is not with the highlights of the bill, as the two speakers so eloquently pointed out; our concern is that the bill doesn't go far enough, that it's far too weak and far too soft. The softness has even led some members of the House to suggest that perhaps the legalization of marijuana would be the solution to the proliferation of these kinds of grow-ops. We in this party, of course, are very much opposed to that. We oppose it on the basis of health reasons, which obviously would be one of the highest reasons. People tend to think that smoking tobacco is injurious to your health. Smoking

marijuana would be equally injurious to your health as you would inhale that substance.

Those kinds of things can do nothing but harm our society, so bringing in a meaningful bill with some real teeth in it that would let people know where this government stands as far as law and order is concerned would be something that this side of the House would very much like to see.

Ms. Churley: Of course, there's always majoun and/or brownies, I would say, and tobacco is legal, although I'm predicting that maybe—I don't know how many years it's going to take—even though it is legal, more and more people are going to stop smoking it and people aren't going to start up again, and that's a good thing. But in the meantime, at least there's an ability, while it is legal, for government to be, perverse as it is, making billions of dollars on the taxes from it and to be able to regulate it and make serious attempts to keep it out of the hands of the young.

Let's just look at the statistics here for a minute. We've got to stop this, as we put it, reefer madness that's going on here, not looking at the evidence before us, but the growing threat of extremely serious crimes, like we've been talking about Internet luring. It's a huge problem now. It is pointless to be wasting our police resources on marijuana usage. Even if you were to hire the 1,000 cops that you said you were going to do and haven't done yet, there are so many serious crimes going on out there that we need these cops to be working on.

We know that millions of Canadians use it. Whether you like it or not, they are. Some 30% to 50% of Canadians aged 15 to 24 have used it. That's from StatsCan. Approximately 7% of Canadians smoke marijuana recreationally. Approximately 25% of adult Canadians have tried it sometime in life. According to a UN study of drug use, 147 million consume marijuana worldwide, but at the same time we spend millions of dollars turning those people into criminals. Some 75% of drug-related criminal charges are connected with marijuana—and on and on. Look at the stats of what people are doing out there, and let's get real about how to handle it.

1750

Mrs. Liz Sandals (Guelph-Wellington): I'd like to thank my colleague from Pickering-Ajax-Uxbridge for his very helpful comments, and I'd like to comment, actually, on the member from Halton, who said we need some teeth here. I would like to suggest to him that there are real teeth in this act. For example, the penalty for violating the fire code has been raised to \$50,000 or one year in jail, or both. Why is that significant? Because often these grow-ops have had the wiring destroyed in such a way that they violate the fire code in order to steal electricity. This now means that the people who are responsible may be liable to imprisonment simply for violating the fire code in terms of the way that they've rewired to steal electricity.

We've also got a requirement that the police will notify the municipality and have the municipal building inspectors come in and check out the marijuana grow-op,

because in many cases the marijuana grow-op, the residence, has been rendered unsafe. If in fact that happens, then the building inspectors can order total repair of the grow-op and rehabilitate it for residential occupancy so that some poor unsuspecting homeowner isn't stuck with a house that could be both a safety trap and a health hazard as a result of former use as grow-ops. So in my mind, we have teeth.

The Acting Speaker: In response, the Chair recognizes the member from Thornhill.

Mr. Racco: I would like to thank the member from Pickering-Ajax-Uxbridge, the member from Halton, the member from Toronto-Danforth and the member from Guelph-Wellington.

At the end of the day, there are many crimes that, unfortunately, we have to deal with, but marijuana grow-ops are a major problem. We have communities, very peaceful communities, that people have lived in for many, many years, and then all of a sudden they discover that their neighbour has been growing marijuana next door to where their kids are growing, where their kids go to school, where nobody ever expected any of these things to happen.

This bill, in fact, will address this issue that may not be as bad as many other problems that we are facing today in Ontario, but it certainly is a bad problem, and it's a problem that will become even bigger, more problematic, unless we address it today or as soon as we can.

This bill, again, is only the first step in addressing the real big issue. The minister has already initiated discussions with the OPP and with the Ontario police association to make sure they will tell us what tools they need to be able to do their job.

It's a bill that has taken the first step, but it also says to all of us, "We know that we're able to speak among ourselves to find the best solution." It is happening right now. We are planning that the next bill that will be introduced will deal with the problem fully. The minister has made it clear: This is the first step. It's a step that should be supported.

I am comforted by the comments that I hear from the Conservative Party. I would like to hear better comments from the NDP. I thank you.

The Acting Speaker: It being approximately 6 p.m., this House stands adjourned until Monday at 1:30 p.m.

The House adjourned at 1755.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
Speaker / Président: Hon. / L'hon. Alvin Curling
Clerk / Greffier: Claude L. DesRosiers
Deputy Clerk / Sous-greffière: Deborah Deller
Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)		Marsales, Judy (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative	Hamilton West / Hamilton-Ouest	
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		
Burlington	Jackson, Cameron (PC)	Kitchener Centre / Kitchener-Centre	Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Leeds-Grenville	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	London North Centre / London-Centre-Nord	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London-Fanshawe	Ramal, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	Markham	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)		Fonseca, Peter (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga East / Mississauga-Est	
Etobicoke Centre / Etobicoke-Centre	Cansfield, Donna H. (L)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Nepean-Carleton	Baird, John R. (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Guelph-Wellington	Sandals, Liz (L)	Niagara Falls	Craiton, Kim (L)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nickel Belt	Martel, Shelley (ND)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Nipissing	Smith, Monique M. (L)
Halton	Chudleigh, Ted (PC)	Northumberland	Rinaldi, Lou (L)
Hamilton East / Hamilton-Est	Horwath, Andrea (ND)	Oak Ridges	Klees, Frank (PC)
		Oakville	Flynn, Kevin Daniel (L)
		Oshawa	Ouellette, Jerry J. (PC)
		Ottawa Centre / Ottawa-Centre	Patten, Richard (L)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Stoney Creek	Mossop, Jennifer F. (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Ottawa–Orléans	McNeely, Phil (L)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Thornhill	Racco, Mario G. (L)
Oxford	Hardeman, Ernie (PC)	Thunder Bay–Atikokan	Mauro, Bill (L)
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Parry Sound–Muskoka	Miller, Norm (PC)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Perth–Middlesex	Wilkinson, John (L)	Timmins–James Bay / Timmins–Baie James	Bisson, Gilles (ND)
Peterborough	Leal, Jeff (L)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Toronto–Danforth	Churley, Marilyn (ND)
Prince Edward–Hastings	Parsons, Ernie (L)	Trinity–Spadina	Marchese, Rosario (ND)
Renfrew–Nipissing–Pembroke	Yakubski, John (PC)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Sarnia–Lambton	Di Cocco, Caroline (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Sault Ste. Marie	Oraziotti, David (L)	Whitby–Ajax	Flaherty, Jim (PC)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Willowdale	Zimmer, David (L)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Scarborough Southwest / Scarborough-Sud-Ouest	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Scarborough–Agincourt	Curling, Hon. / L'hon. Alvin (L) Speaker / Président	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)	York North / York-Nord	Munro, Julia (PC)
Simcoe–Grey	Wilson, Jim (PC)	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	York West / York-Ouest	Sergio, Mario (L)
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Cameron Jackson
Vice-Chair / Vice-Président: John O'Toole
Wayne Arthurs, Caroline Di Cocco, Andrea Horwath,
Cameron Jackson, Kuldip Kular, Phil McNeely
John Milloy, John O'Toole, Jim Wilson
Clerk / Greffier: Trevor Day

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Pat Hoy
Vice-Chair / Vice-Président: Phil McNeely
Toby Barrett, Mike Colle, Pat Hoy, Judy Marsales,
Phil McNeely, Carol Mitchell, John O'Toole,
Michael Prue, John Wilkinson
Clerk / Greffier: Trevor Day

General government / Affaires gouvernementales

Chair / Présidente: Linda Jeffrey
Vice-Chair / Vice-Président: Vic Dhillon
Marilyn Churley, Vic Dhillon, Brad Duguid,
Linda Jeffrey, Jean-Marc Lalonde,
Deborah Matthews, Jerry J. Ouellette,
Lou Rinaldi, John Yakabuski
Clerk / Greffière: Tonia Grannum

Government agencies / Organismes gouvernementaux

Chair / Président: Tim Hudak
Vice-Chair / Vice-Présidente: Andrea Horwath
Lorenzo Berardinetti, Michael Gravelle,
Andrea Horwath, Tim Hudak,
David Orazietti, Ernie Parsons,
Laurie Scott, Monique M. Smith,
Joseph N. Tascona
Clerk / Greffière: Susan Sourial

Justice Policy / Justice

Chair / Président: Shafiq Qaadri
Vice-Chair / Vice-Président: Bob Delaney
Michael A. Brown, Jim Brownell, Bob Delaney,
Kevin Daniel Flynn, Frank Klees, Peter Kormos,
Shafiq Qaadri, Mario G. Racco, Elizabeth Witmer
Clerk / Greffier: Katch Koch

Legislative Assembly / Assemblée législative

Chair / Président: Bob Delaney
Vice-Chair / Vice-Président: Mario G. Racco
Donna H. Cansfield, Bob Delaney,
Ernie Hardeman, Rosario Marchese, Ted McMeekin,
Norm Miller, Tim Peterson, Mario G. Racco, Mario Sergio
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-Présidente: Julia Munro
Laurel C. Broten, Jim Flaherty, Shelley Martel,
Bill Mauro, Julia Munro, Richard Patten,
Liz Sandals, Norman W. Sterling, David Zimmer
Clerk / Greffière: Susan Sourial

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Présidente: Marilyn Churley
Vice-Chair / Vice-Président: Tony C. Wong
Gilles Bisson, Marilyn Churley, Kim Craitor,
Kuldip Kular, Gerry Martiniuk, Bill Murdoch,
Khalil Ramal, Maria Van Bommel, Tony C. Wong
Clerk / Greffière: Tonia Grannum

Social Policy / Politique sociale

Chair / Président: Mario G. Racco
Vice-Chair / Vice-Président: Khalil Ramal
Ted Arnott, Ted Chudleigh, Kim Craitor,
Peter Fonseca, Jeff Leal, Rosario Marchese,
Mario G. Racco, Khalil Ramal, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

TABLE DES MATIÈRES

Jeudi 7 avril 2005

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2005 modifiant la Loi sur les renseignements concernant le consommateur, projet de loi 174, <i>M. Ruprecht</i> Adoptée.....	6046
Loi de 2005 sur l'immunité des élus, projet de loi 165, <i>M. Ouellette</i> Rejetée.....	6046

DÉCLARATIONS DES DÉPUTÉS

Le pape Jean-Paul II <i>M. Lalonde</i>	6046
---	-------------

PREMIÈRE LECTURE

Loi de 2005 modifiant des lois en ce qui a trait à la protection contre l'incendie, projet de loi 184, <i>M. Prue</i> Adoptée.....	6049
---	-------------

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens confisqués, projet de loi 128, <i>M. Kwinter</i> Débat présumé ajourné.....	6083
--	-------------

CONTENTS

Thursday 7 April 2005

PRIVATE MEMBERS' PUBLIC BUSINESS

Consumer Reporting Amendment Act, 2005, Bill 174, Mr. Ruprecht	
Mr. Ruprecht.....	6031, 6037, 6038
Mr. Martiniuk	6032
Mr. Kormos	6033
Mr. McNeely	6034
Mr. Hardeman.....	6035
Mr. Sergio.....	6036
Mrs. Witmer.....	6036
Mr. Bisson.....	6037
Agreed to.....	6046
Elected Officials Immunity Act, 2005, Bill 165, Mr. Ouellette	
Mr. Ouellette.....	6038, 6045
Mr. Kormos	6040
Mrs. Cansfield	6041
Mr. Duguid	6042
Mr. Klees	6043
Mr. Dunlop	6044
Negated.....	6046

MEMBERS' STATEMENTS

Huronia Regional Centre	
Mr. Dunlop	6046
Le pape Jean-Paul II	
Mr. Lalonde	6046
Autism services	
Mr. Klees	6047
Literacy tests	
Mr. Sergio.....	6047
Health care	
Mr. Runciman.....	6047
Daycare	
Mr. Bisson	6048
Winchester District Memorial Hospital	
Mr. Brownell	6048
Apprenticeship training	
Mr. Milloy	6048
Rwandan genocide	
Mr. Qaadri	6048

FIRST READINGS

Fire Protection Statute Law Amendment Act, 2005, Bill 184, Mr. Prue	
Agreed to	6049
Mr. Prue	6049

MOTIONS

Private members' public business	
Mr. Duncan	6049
Agreed to	6049

ORAL QUESTIONS

Hospital services	
Mrs. Witmer	6049
Mr. McGuinty	6049
Environmental legislation	
Mr. Runciman	6050
Mr. McGuinty	6050, 6051
Mr. Barrett.....	6051
Health care	
Mr. Hampton	6051
Mr. McGuinty	6051
Government services	
Mr. Hampton	6052
Mr. McGuinty	6052
Mr. Caplan	6052
Mrs. Bountrogianni	6053
TTC service	
Mr. Klees.....	6053
Mr. McGuinty	6053
Autism treatment	
Ms. Martel	6053
Mrs. Bountrogianni	6054
Veterans	
Mrs. Cansfield	6054
Mr. Gerretsen	6054
Labour unions	
Mrs. Munro	6054
Mr. Bryant.....	6055
Affordable housing	
Mr. Prue	6055
Mr. Caplan	6055
Adoption disclosure	
Mr. Duguid.....	6056
Ms. Pupatello.....	6056
Justices of the peace	
Mr. Jackson	6056
Mr. Bryant.....	6056
Child care	
Ms. Horwath.....	6057
Mrs. Bountrogianni	6057
Assistance to farmers	
Mr. Hoy	6058
Mr. Peters	6058
Karla Homolka	
Mr. Runciman	6058
Mr. Bryant.....	6058

PETITIONS

Huronia Regional Centre	
Mr. Klees	6059
Mr. Miller	6059
Mr. Duguid	6060
GO Transit tunnel	
Mr. Ruprecht.....	6059
Women's shelters	
Ms. Churley	6059
Anaphylactic shock	
Mr. Delaney	6060
Volunteer firefighters	
Mr. Arnott.....	6060
Leslie M. Frost Centre	
Ms. Scott.....	6060

SECOND READINGS

Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005, Bill 128, Mr. Kwinter	
Ms. Broten	6061
Mr. Klees	6061, 6065, 6079
Mr. Marchese.....	6063, 6065, 6069 6072
Mr. Kwinter	6064
Mr. Jackson.....	6064, 6068
Ms. Churley	6064, 6068, 6075 6076, 6079, 6082
Mr. Fonseca	6068
Mr. Patten	6068
Mr. Duguid	6069, 6072
Mr. Qaadri	6070
Mr. Chudleigh.....	6071, 6079, 6082
Mr. Kormos	6071
Mr. Berardinetti	6071
Mr. Runciman.....	6072, 6076
Mr. Hoy	6075
Ms. Scott.....	6075, 6079
Mr. Kular	6079
Mr. Racco	6080, 6083
Mr. Arthurs	6081
Mrs. Sandals	6082
Debate deemed adjourned.....	6083

OTHER BUSINESS

Wearing of ribbons	
Mr. Arnott.....	6046
Visitors	
Mrs. Munro	6049
Business of the House	
Mr. Caplan.....	6063

Continued overleaf



No. 126A

N° 126A

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 11 April 2005

Lundi 11 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 11 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 11 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

GREENBELT

Mrs. Julia Munro (York North): Constituents from across my riding have been asking me how the Liberals drew the boundaries of the greenbelt. Were the lines based on science? Were they drawn to protect sensitive areas? Were the boundaries drawn to protect farmland or to stop urban sprawl? The only honest answer I can give them is that I do not know. The McGuinty Liberals won't tell us how they drew the boundaries. Often they are unclear on why we even need a greenbelt. Their reasoning seems to vary depending on their audience. The PC caucus has outlined in this House many examples of arbitrary and ridiculous greenbelt boundaries. Many were drawn without thought, and all were drawn in secret.

My constituents are concerned about the secret process of boundary drawing and the corruption that a secret process risks. They want to know that government decisions, even if they disagree with them, are made fairly and impartially.

We only have to look to the federal Liberals in Ottawa to see what happens when there is no public oversight of decisions and spending. Let's hope that the Liberals in Ontario learn from the federal experience that transparency is the best policy.

MEMORY PROJECT

Mr. Peter Fonseca (Mississauga East): It's a pleasure to speak on the Memory Project. The Memory Project is a partnership between the Dominion Institute and the Ontario Seniors' Secretariat to educate Ontario students about the tremendous price our veterans paid for our freedom. The Memory Project will help ensure that we never forget, through a number of stories.

The project also works to highlight the many moving personal stories that people endured in their migration to Canada. Many of these people came to Ontario knowing it is a place of promise and opportunity. This government works every day to ensure that the dream lives on.

I recently read, on the project Web site, one of the stories about the Second World War from Jim, of Mount Albert, Ontario. Here are Jim's recollections of Carpiquet:

"Somewhere near Bray, we were in reserve, getting reinforcements, laying mines, doing some patrolling and generally thinking how lucky we had been to survive those first hectic days of June (D-Day ... 1944) wherein we had lost over 450 men, killed, wounded, captured ... in a period of two days. Gone were ... familiar faces, those you knew well and those you knew by sight or reputation."

Stories like this can be found on the Web site. Memories of the wars and of human experience will live in perpetuity through this project.

TAXATION

Mr. John R. Baird (Nepean-Carleton): Eighteen months ago, in the 2003 provincial election, Dalton McGuinty looked every taxpayer in the eye more than 200 times and said, "I won't raise your taxes." He broke that promise and brought in the biggest tax increase in Ontario's history. Now that we're filing our taxes, the millionaire is getting a 1% provincial income tax increase and the hard-working single mom with two kids is getting whacked with a 24% tax increase.

We don't need any lectures about taxes from self-styled progressives on the Liberal side of the aisle. Even with this new tax, is our health care system getting any better? No. Liberals refused to create a segregated fund and have diverted much of that money to other ministries, such as \$3 million for an exercise video at the Ministry of Tourism and Recreation, let alone the sewer pipe scandal that has been talked about in this place.

Let me tell you that John Tory will not take one cent out of health care with his plan to scrap this illegal tax. John Tory will replace this incompetent government with a government that has a plan for health care. John Tory will take a new, constructive approach to our dealings with our federal government and with incoming Prime Minister Stephen Harper. Stephen Harper makes one, single phone call to the government of Ontario and the Brinks trucks start to head down the 401 to Queen's Park. If Stephen Harper can do that as Leader of the Opposition, imagine what he would do as Prime Minister of this great country, and what a difference that would mean to our hospitals, our nurses and our doctors.

ADOPTION DISCLOSURE

Mr. Kevin Daniel Flynn (Oakville): I rise today to speak about our government's recent introduction of Bill

183, the Adoption Information Disclosure Act, an example of the McGuinty mandate to bring Ontario's laws into the 21st century. Fundamentally, Bill 183 distinguishes the right to know from the right to a relationship by allowing more open access to adoption records for adult adoptees and birth parents.

The Adoption Council of Canada, an umbrella organization for adoption in this country, fully supports Bill 183. As Sandra Scarth, chair of the council, has stated, "Like all good legislation, Bill 183 supports the will of the majority while providing protection for the minority."

Societal norms and expectations have changed dramatically since 1927, when Ontario's adoption disclosure system was last amended. Because of our government's reforms, thousands of people who were adopted in Ontario will soon be able to have more information about their personal histories.

Our proposed legislative amendments to the Child and Family Services Act and the Vital Statistics Act balance the right to know with the individual's right not to be contacted. We're giving Ontario's adoptees something most people take for granted in our society; that is, the ability to know their own identity and to know their own history.

GOVERNMENT'S RECORD

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):

As each day passes, one thing becomes more and more apparent to the voting public, the hard-working people who dutifully pay their way so that government can provide the services that people need. What they expect in return is honesty and integrity. What they are getting is neither. What has become painfully apparent to them is this: Liberals, whether they govern in Ottawa or in Toronto, just can't be trusted.

In Ottawa, we learn more details each day about how the federal Liberal government has taken tax dollars and used compliant agencies to filter that money back to the Liberal Party. The people of Canada are outraged, as well they should be. In that same vein, here in Ontario the McGuinty government has earned the title of world's worst promise-breakers.

1340

They promised not to raise taxes; they have broken that promise. They promised to maintain hydro rates; they have broken that promise. They promised openness and transparency in government; they have broken that promise. They promised to fund autism treatment beyond age six; they have broken that promise. They promised to keep rural schools open; they have broken that promise. There are many more broken promises too numerous to mention in this statement.

People in my riding of Renfrew-Nipissing-Pembroke, and indeed across the province, are saying, "What can we do to get rid of these rascals?" I say to them that the time will come when we can send the Liberals packing and take the first steps in restoring trust and integrity to government.

BARBRA SCHLIFER

Ms. Marilyn Churley (Toronto-Danforth) Twenty-five years ago today, Barbra Teena Schlifer was returning home after celebrating her call to the bar of Ontario. It had been a day of dreams fulfilled, and marked the start of an exciting future. Committed to social justice, she and her friends Patricia Ashby and Frances Rapaport planned to open a law practice that would provide representation to people who were abused, oppressed and marginalized. But that night, Barbra Schlifer was brutally sexually assaulted and murdered in the basement stairwell of her apartment building. Her senseless death sent shockwaves through Toronto and the country.

Barbra's death forever changed the lives of those who were close to her and increased their commitment to the principles and values they shared with her. Her friends became determined that she would be remembered for the difference she would have made as a lawyer. They decided to create a clinic in Barbra's honour that would carry on her dedication to help women affected by violence, and in September 1985 the Barbra Schlifer Commemorative Clinic opened its doors.

The clinic was designed as a holistic, comprehensive and coordinated service where women who had experienced violence could receive counselling and legal services. Twenty years later, the clinic has grown in size and significance. It serves 3,000 women a year. In addition, the clinic is active in public education, training and advocacy on a wide range of issues on behalf of women survivors.

On this 25th anniversary of her death, we pay tribute to the memory of Barbra Schlifer. We reflect on the woman she was and how her life was cut short by violence, and we reflect on how the doors to the clinic that was created to commemorate her remain open because so much remains to be done to end male violence against women, which cost Barbra her life and continues to take the lives of too many women.

AUTOMOTIVE INDUSTRY

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): I rise today to speak about this government's commitment to ensuring the continuing strength of the province's automotive industry, ignored by the former government, and to building the most skilled and productive workforce in North America, sadly neglected by the former government.

Recently, the Minister of Economic Development and Trade and the Premier announced Ontario's participation in General Motors' \$2.5-billion Beacon project. As part of the McGuinty government's Ontario automotive investment strategy, we invested \$235 million to support General Motors. On their end, General Motors is committed to maintaining jobs over a total footprint in a single jurisdiction. That means they're making a commitment to all of their plants in Ontario, which is good news

for communities such as Oshawa, St. Catharines, Ingersoll and Windsor.

More than that, this investment by GM is good news for the entire province. The province of Ontario depends on the auto sector to drive our overall wealth and prosperity.

Michael Worswick of the Waterloo Centre for Automotive Research said, "The only way that we can remain competitive is through technology," and this announcement helps do that. As a result of this announcement, Oshawa will be able to design, build and test cars in a way that only exists in Detroit at the moment.

The future of the automotive industry is innovation. With this announcement, the McGuinty government is ensuring that Ontario will be at the forefront of a globally competitive industry that drives our economy.

ASSISTANCE TO FARMERS

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): There isn't a day goes by that I don't read something about the crisis our farmers are in. In my riding, I have oilseed and grain producers, livestock and poultry farmers, fruit and vegetable producers and, yes, even sugar beet farmers, who work very hard every day to ensure that Ontarians have fresh food for their tables.

We have seen farmers descend upon Queen's Park to express their frustration with the current situation. The crisis they are facing is one that resulted from years of poor government leadership and lack of vision.

Fortunately, there was some good news for farmers last week. Last week, our Minister of Agriculture made two announcements that will help farmers cope with the crisis. The McGuinty government is streamlining farmers' retail sales tax exemptions when purchasing eligible food-related goods, services and insurance for their businesses. In addition to the \$88 million that was delivered in March, the government is also providing \$79 million in funding through the market revenue program to ensure that eligible grain and oilseed producers receive the provincial government's full share of 40% of the 2004 program benefits prior to spring planting.

This government recognizes and values the contribution that our agriculture sector makes to the economic and social well-being of every Ontarian. We are fully committed to working with all members of the industry to create a stronger, more sustainable future for our farmers, food producers and our communities.

LEADER OF THE OPPOSITION

Mr. John Wilkinson (Perth-Middlesex): The leader of the official opposition has been in the House for two weeks now. He knows exactly where his seat is, but he still seems incapable of providing us with an indication of where he stands on anything. We know how he likes to criticize everything—and I especially enjoy it when he criticizes his own party's record—but, for the life of me, I can't seem to figure out what he stands for. He simply

answers questions with lame, stock responses like, "Well, I don't know," or "It's not my position to know the answer."

This isn't anything new. Back in January, when asked about the infamous 407 deal cooked up by Frank Klees, he said he didn't know the history of the deal well enough to comment on it—obviously, the member for Oak Ridges must be hiding his light under a bushel basket in caucus these days. When asked about his position on the OMA deal or new investments in hospitals, he said, "You should ask the OMA."

The people of Ontario want to know what public health care services John Tory is going to cut to keep his privatization promise to remove \$2.4 billion from the health care budget. They want to know why his party voted against Bill 8, which enshrined accountability in our health care sector. They want to know why he wants to reinstate Jim Flaherty's ill-conceived private school tax credit.

The leader of the official opposition knows where his seat is. Isn't it about time that he told the people of Ontario where he stands?

INTRODUCTION OF BILLS

INQUIRY INTO POLICE INVESTIGATIONS OF COMPLAINTS OF SEXUAL ABUSE AGAINST MINORS IN THE CORNWALL AREA ACT, 2005 LOI DE 2005 PRÉVOYANT UNE ENQUÊTE SUR LES ENQUÊTES POLICIÈRES RELATIVES AUX PLAINTES DE MAUVAIS TRAITEMENTS D'ORDRE SEXUEL INFLIGÉS À DES MINEURS DANS LA RÉGION DE CORNWALL

Mr. Baird moved first reading of the following bill:

Bill 185, An Act to establish a commission to inquire into the investigations by police forces of complaints of sexual abuse against minors in the Cornwall area / *Projet de loi 185, Loi visant à créer une commission chargée d'enquêter sur les enquêtes menées par des corps de police sur les plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall.*

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

The member from Nepean-Carleton.

Mr. John R. Baird (Nepean-Carleton): A commission was promised during the last election; it was promised when the appeal period ended for the last case. But we have yet to see an announcement. This bill, which is a repeat of the Gary Guzzo bill—Gary, who was, of course, the hard-working member for Ottawa West-Nepean, fought so hard on this issue—is just a gentle reminder to the government that they made a commitment that should be fulfilled.

MOTIONS

HOUSE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, April 11, 2005, Tuesday, April 12, 2005, and Wednesday, April 13, 2005, for the purpose of considering government business.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: The government House leader has moved government notice of motion number 333. All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Fonseca, Peter	Parsons, Ernie
Arthurs, Wayne	Gerretsen, John	Peters, Steve
Baird, John R.	Hardeman, Ernie	Phillips, Gerry
Bartolucci, Rick	Hoy, Pat	Pupatello, Sandra
Bentley, Christopher	Hudak, Tim	Racco, Mario G.
Berardinetti, Lorenzo	Jeffrey, Linda	Ramal, Khalil
Bradley, James J.	Klees, Frank	Rinaldi, Lou
Bryant, Michael	Kular, Kuldip	Runciman, Robert W.
Caplan, David	Kwinter, Monte	Ruprecht, Tony
Chambers, Mary Anne V.	Lalonde, Jean-Marc	Smith, Monique
Colle, Mike	Levac, Dave	Sorbara, Gregory S.
Cordiano, Joseph	Matthews, Deborah	Takhar, Harinder S.
Craitor, Kim	Mauro, Bill	Van Bommel, Maria
Crozier, Bruce	McMeekin, Ted	Watson, Jim
Delaney, Bob	McNeely, Phil	Wilkinson, John
Di Cocco, Caroline	Meilleur, Madeleine	Witmer, Elizabeth
Dombrowsky, Leona	Miller, Norm	Wong, Tony C.
Duguid, Brad	Milloy, John	Wynne, Kathleen O.
Duncan, Dwight	Mitchell, Carol	Yakabuski, John
Dunlop, Garfield	Munro, Julia	Zimmer, David
Flynn, Kevin Daniel	Oraziotti, David	

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

The Deputy Clerk (Ms Deborah Deller): Mr. Speaker, Mr. Craitor—

Mr. Gilles Bisson (Timmins-James Bay): Mr. Speaker, what is that?

The Speaker: We added Mr. Craitor. It was an error of the table, and we want to correct that.

All those against, please rise one at a time and be checked by the Clerk.

Nays

Bisson, Gilles	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Martel, Shelley	
Kormos, Peter	Ouellette, Jerry J.	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 62; the nays are 7.

The Speaker: I declare the motion carried.

Ms. Andrea Horwath (Hamilton East): On a point of order, Mr. Speaker: For the tenants at 355 Melvin, who have been without gas, heat or hot water for more than five days, I rise to seek unanimous consent for second and third readings of Bill 170, the Fred Gloger Tenant Protection Amendment Act (Vital Services), 2005.

The Speaker: The member from Hamilton East has requested unanimous consent. I heard a no.

1400

STATEMENTS BY THE MINISTRY
AND RESPONSES

FOOD SAFETY

Hon. Steve Peters (Minister of Agriculture and Food): The McGuinty government is committed to the safety of Ontario's food supply. This has been and continues to be one of our highest priorities. We are determined to support healthier Ontarians and encourage consumer confidence in our products. That is why we commissioned Justice Roland Haines to conduct a review of Ontario's meat inspection system in January 2004. When his report was released last July, we committed to acting on his recommendations.

Today we are marking another milestone in the significant progress we are making on those recommendations. I'm pleased and proud to announce that we are establishing the office of the chief veterinarian of Ontario. Dr. Deb Stark will assume the role of chief veterinarian on May 2, 2005.

The chief veterinarian of Ontario will lead animal health and related food safety initiatives for the province, and work co-operatively with our counterparts in the federal government, other provinces and other ministries, and especially with Ontario's chief medical officer of health, Dr. Sheela Basrur.

We are also realigning the structure of the ministry so that it truly has a new food safety division, a separate and distinct division of the Ministry of Agriculture and Food. The former Tory government had the opportunity over the past 10 years, but they chose to deliver a scattered approach to food safety. We are cleaning that up. The division combines the policy, program and operational aspects of food safety, allowing us to provide a truly farm-to-fork food safety system.

Previously, these responsibilities were spread throughout the ministry. With the new division dedicated to food safety, we will be better able to coordinate policy, scientific activities, inspection, industry education and training, and compliance and enforcement. We also will be better able to coordinate efforts with our counterparts in the provincial government, other provinces and the federal government.

We are showing a strong commitment to food safety and to the people of this province. We are very proud of our record when it comes to food safety, and we've made

great strides, some of which were begun even before Justice Haines released his report. Here is a short list of our accomplishments:

We proclaimed the Food Safety and Quality Act and introduced new, stronger meat regulations. This addressed Justice Haines's first recommendation, and several others, including licensing and regulating non-federally registered meat processors.

The first group of meat plants, including those that are currently licensed by the province, will need to comply with the new regulation by June 1, 2005, and all others by October 2006.

We are providing up to \$25 million in transitional assistance over three years to assist processors in meeting those new requirements.

We introduced a new, practical food safety program for small to medium-sized food processors called the HACCP Advantage, which aims to prevent food hazards before they happen. Two operations are now certified under the program, and more are in progress.

We are providing \$4 million to the Ontario Cattle-men's Association to help maintain the province's dead stock collection system to avoid potential environmental and health hazards.

We are also realigning the structure of the rest of the ministry in order to meet the McGuinty government's commitments and priorities of building strong communities and fostering innovation and prosperity, to follow through on what we've heard from stakeholders at the Premier's summit last December in preparing for the future, to better align our efforts to support the full value chain that is the modern Ontario agri-food system, and to make the most of the people and resources we have.

I want to emphasize that there will be no reductions in staff or in our field presence. Our government is simply working smarter with the resources we have. With this new food structure, we will be better able to work with our partners in the public and private sectors to take directions in the future of Ontario's agri-food industry, new directions that are going to help move all of us forward.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Ernie Hardeman (Oxford): I would like to address the Minister of Agriculture's announcement today, in which he is responding to the Judge Haines report and recommendations on the province's meat regulation and inspection system. I'm pleased to see that this government is continuing to build on our government's commitment to continually strengthening Ontario's food safety system, providing safe food for Ontarians. As a government, we were pleased to introduce the new food safety legislation that would continue to enhance Ontario's strong food safety system.

We understand the importance of enhancing Ontario's already strong food safety system by continually updating standards and inspection programs by using new sciences and technologies to minimize risk to both public health and the economy. But I would be remiss if I didn't remind the minister that Judge Haines's report and its

113 recommendations were a result of the review of meat regulations and inspection. This review was intended by the Liberals to replace the full public inquiry they promised during the election campaign. What can I say? Another Liberal broken promise.

For everyone's benefit, it is important to recognize that Judge Haines concluded that the meat produced and consumed in Ontario was, for the most part, safe and free of hazardous contaminants, and I agree that today's announcement will only continue to contribute to what we already agree is most important: quality food for all Ontarians. But I'm confused: In the 2004 budget, Minister, your government slashed safety net support for crop stabilization by \$50 million, a 33% cut, at a time when the Ministry of Agriculture saw their administrative budget skyrocket by \$11 million, or a 68% increase. We allowed meat inspectors to work on contract so they could do their jobs. You've changed the way meat inspectors do business; they are once again part of the public service. Maybe you've forgotten what it was like the last time the public service went on strike and meat inspectors could not do their job. Should this happen in the future, our farmers will once again suffer.

I've said before and will say again that our Minister of Agriculture and Food, Steve Peters, was once an advocate for our farmers, but since becoming a member of the Liberal cabinet, he has turned his back on our farmers. The minister last week made an announcement of \$79 million for safety nets but has made no commitments beyond that and into this planning year. I ask the minister, what is he going to do to help our farmers? It's obvious that he has absolutely no long-term plan. The minister signed the Agriculture Policy Framework just over a year ago. It was the future of safety net support for our farmers, and I'm hearing from our farmers all over the province that this CAIS program just doesn't work.

The minister's answer is to do another review. How many reviews will it take before our farmers are listened to and given the type of program they require? Farmers are our number two generator in the Ontario economy—the auto industry, of course, being number one—and they deserve some certainty and support from their government. Mr. Speaker, I ask you again, what is the Minister of Agriculture going to do to support our farmers for the 2005 crop year and for future years? Minister, what is your long-term plan for agriculture in Ontario?

Mr. Howard Hampton (Kenora-Rainy River): I want to respond to the Minister of Agriculture, Food and Rural Affairs. I too want to draw attention to the fact that there are 113 recommendations in Judge Haines's report, and I want the minister to remember what he said on July 22, 2004: "I have instructed ministry staff to begin implementing this report as soon as possible, and I'm calling on everyone involved in food safety to help make this happen." You made it sound then like you would be implementing the whole report. What we see today is a miniscule piece of the report.

I actually want to read recommendation 111 from Judge Haines: "I recommend that the provincial govern-

ment consider the establishment of an Ontario food inspection agency that would assume responsibility for all activities associated with ensuring food safety." Then we have the minister's announcement today, which, frankly, falls far, far short of what Judge Haynes recommended. He recommended a stand-alone agency with proper funding and mandate. Are we getting that? No. He recommended an independent food inspection agency; he said it would ensure consumer confidence in our food supply and ensure markets for our producers. Are we getting that? No.

1410

What we we're getting, once again, is a Minister of Agriculture and Food who has no plan for agriculture, no plan for farming, so what he tries to do is announce and reannounce all sorts of things that still don't amount to a plan. Here, there is no plan for food safety. Despite what Mr. Justice Haines recommended to the government, there is no plan for food safety. When we take these series of announcements, reannouncements and partial reannouncements, there is no plan for agriculture, no plan for Ontario's farmers.

I want to contrast this with what Premier McGuinty said before and during the election campaign. He said that he had a strategy for Ontario's rural and agricultural community, that there were going to be investments in the rural and agricultural community, that there were going to be investments to help implement nutrient management issues, that there were going to be investments in rural infrastructure, that the market for Ontario corn growers, for example, was going to more than double.

All of these promises were made. All of this was in this pre-election statement. What is the situation today? We have ethanol producers in Ontario. Are they purchasing double the amount of Ontario corn? No. They're importing subsidized corn from Ohio and Michigan.

Interjections.

The Speaker: Order. There's a lot of chattering in the Legislature today. I'd like to hear the leader of the third party make his response to the Minister of Agriculture's statement. Could I ask, if you choose to speak, to do it outside?

We'll start the clock again.

Mr. Hampton: As I said, under the McGuinty government, has the market for Ontario corn doubled? Do Ontario corn producers see an increase in the price for their corn? Do they see more of a market for their corn? No. Ontario corn producers who live within sight of the ethanol plant in Chatham are going broke while that ethanol plant imports subsidized corn from Ohio and Michigan. That is the reality of what is happening under the McGuinty government.

I say again today that with this announcement Judge Haines provided a very good framework: 113 recommendations for better food safety in Ontario. Do we see the adoption of a strategy for better food safety in Ontario today? No. Do we see even the adoption of five of Judge Haines's recommendations today? No. No stra-

tegy; no plan for farm safety. Do we see a strategy, a plan for the survival of Ontario's farmers, whether they be beef farmers, grain farmers, oilseed farmers, fruit and vegetable farmers—do we see this plan that the McGuinty government promised before the election? No. What we see is beef farmers going broke, oilseed and grain farmers having a very difficult time, fruit and vegetable farmers having a very difficult time and corn producers going broke while the McGuinty government allows ethanol producers to import subsidized corn from Ohio and Michigan.

ORAL QUESTIONS

GREENBELT

Mr. Tim Hudak (Erie-Lincoln): A question to the Minister of Municipal Affairs and Housing: I'm going to send over, via a page, map 6 of your final greenbelt plan. Let me describe what this map indicates.

On Lake Simcoe, there lies an 800-acre parcel of land that your own greenbelt map identifies as a natural heritage system. That means that virtually the entire plot of land, according to your own map, is a sensitive wetland and forest. As you can see from your draft greenbelt plan, this project is protected as part of the greenbelt map area. However, in your final greenbelt map you personally made an exemption to pave over this pristine wetland and forest. Can you tell us why that land is exempted?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Let me just say that what we did was add a million acres of protected greenbelt land, farmland and environmentally sensitive land for generations to come. We are more than pleased to look at any particular issue this member may have. We have already offered to that caucus an opportunity to have a full briefing on the greenbelt, the science behind the greenbelt. We're more than prepared to do that. All I can tell you is that we will certainly take a look at this particular situation. But I can tell you that we had a consultation process that was absolutely second to none. During the greenbelt task force hearings we had at least eight or nine public hearings, during the legislative process itself, during development of the plan. This bill has had more consultation than just about any other bill coming through this House, and we are very proud of the greenbelt that we protected for the people of Ontario.

Mr. Hudak: The minister always defaults to tab 1 and talks about how the greenbelt is to protect sensitive areas. We want to make sure that sensitive areas are protected. That's why I'm asking you here today why you have made an exemption. Why does the Dalton McGuinty government want to pave over an 800-acre property on the shores of Lake Simcoe that your own maps identify as sensitive wetlands and forest and natural heritage area? Minister, please tell me, how could you make this

exemption, and upon what science is your exemption based? Or is it simply political science?

Hon. Mr. Gerretsen: First of all, it's that party that voted against the greenbelt legislation. It's that party that doesn't want to protect the environmentally sensitive lands and the good agricultural farmland in the GTA. This party, while in government, did the right thing. We were the first party in over 30 to 40 years to take a good hard look at this particular situation. We wanted to deal with the gridlock, we wanted to deal with the sprawl. We did that. We are protecting over 1.8 million acres of land, when you include the Oak Ridges moraine and the Niagara Escarpment. Exactly the same science was used as was used in developing the Oak Ridges moraine by that government, by that party, about three or four years ago. We stand by the greenbelt and stand by the science behind the greenbelt, and we are very proud for the generations to come.

Mr. Hudak: Minister, I'm going to send over a couple of photographs of this property, which show the sensitive wetlands and forest that exist along the shores of Lake Simcoe in Georgina. You talk about gridlock. The only gridlock that exists on this land would be from ducks and from deer. I want to know, we want to know, the general public wants to know why you have made the decision to pave over this 800-acre pristine wetland. You made the exemption, Minister. I've got to ask you, have you had an individual meeting with the owners of this property, have your political staff had an individual meeting with the owners of this property or, to your knowledge, did Premier McGuinty have a secret meeting with the owners of this property?

Hon. Mr. Gerretsen: First of all, I don't know what property he is specifically talking about. All I can tell you is that it is the policy of this government that sensitive environmental lands are protected and are part of the greenbelt area. We are more than pleased to look at a particular situation that the member may have pointed out. I have no idea as to what particular piece of land he is talking about on this map. We are very much in favour of what we have done, and this is a government that acted to make sure that the greenbelt is protected for generations to come. That's the premise that we went on.

We're not like that party, that basically wants to pave over the greenbelt area, that basically wants to make sure the sprawl and gridlock that has existed in this part of Ontario for the last 30 or 40 years will continue indefinitely. We are against that. We're in favour of the greenbelt legislation and in favour of the greenbelt plan, and we're very proud of that.

1420

The Speaker: New question.

Mr. Hudak: Back to the Minister of Municipal Affairs and Housing: I'm rather curious that you say you don't know what property this is. It is a massive 800-acre exemption that you, as Minister of Municipal Affairs and Housing, personally exempted from the greenbelt. It is a massive, gaping hole in your greenbelt map. Initially it

was covered in the greenbelt. Now, in your final greenbelt map, it's wide open for development.

On November 2, 2004, you received a letter from the owners of this property asking you to exempt this land, and within a couple of months that land was exempted. I'll ask again the question I just asked you: Have you individually met with the individuals? Did the Premier or the political staff? If you don't know the answer, can you get back to us in the House tomorrow? And what was the science behind wanting to pave over this pristine wetland?

Hon. Mr. Gerretsen: First of all, I don't know what specific piece of land he is talking about. He has shown me a great big map here. If it is environmentally sensitive land, it needs to be protected. That is the whole theory behind the greenbelt.

We used the best science available from the Ministry of Natural Resources and the Ministry of Agriculture. We want to make sure that environmentally sensitive land is not going to be paved over in the future. Too much of that has happened in the past. It's precisely for that reason that we made the pledge in our platform in 2003 to make sure there was an area around the greater Toronto area that was going to be protected for generations to come.

We have lived up to that commitment. We've added a million acres of land to the 800,000 acres of land that already existed at that time. We are proud of the greenbelt area. What I would like to know is, does this member speak for his party or does he speak for his leader? Are they in favour of the greenbelt or not? That's what I'd like to know.

Mr. Hudak: Our position is clear: We want to ensure that environmentally sensitive land is protected.

You, sir, as an individual, as the minister, as the sole arbiter, made the decision in your legislation to be the judge and jury, personally, over what gets exempted and what does not. So you chose to exempt this land, this 800-acre pristine wetland and woodland to be paved over. You yourself said, "If it's environmentally sensitive, we'll protect it." Your own map calls it a natural heritage area, as a wetland and woodland.

Tell us in the House today, based on your very own map, will you ensure that that land is protected and not developed? Or is all this talk about science nonsense and it's all about political science? Which one is it?

Hon. Mr. Gerretsen: As I mentioned before, we'll certainly take a look at the situation that this member has pointed out here. As far as I'm concerned, all of the land that is contained within the greenbelt area is either protected from an agricultural viewpoint or from an environmental viewpoint, or an existing use was already there prior to it becoming part of the greenbelt area, as has happened in a number of the settled communities within the greenbelt area.

Once again, what we have done is what no other government has done in the past; that is, we included an additional one million acres of land in this area around Toronto to make sure that the gridlock and the sprawl do

not continue ad infinitum and, second, to make sure that these areas are protected for future generations.

We are more than prepared to look at this particular area, but I can tell you that the greenbelt is something we are extremely proud of. Maybe one day that member and that party will be proud of it as well.

Mr. Hudak: I think people would be proud of the greenbelt if they had confidence that it was based on good environmental science instead of the Dalton McGuinty Liberal political science behind your land decision. This is a case in point. The science shows it's a pristine wetland. It is a forest listed in your documents as a natural heritage area—800 acres along the shores of Lake Simcoe now slated for the bulldozers under Dalton McGuinty's government. Minister, we want to have faith in the science behind this plan. Will you today commit to sending this to a legislative committee so all members of the House can be satisfied that your decisions are based on real science and not political science?

Hon. Mr. Gerretsen: As I've indicated to the member before, we are more than prepared to have a briefing with the member and his caucus and all of the people involved from the Ministry of Natural Resources and the Ministry of Agriculture, to go over how the greenbelt was developed and where the limitations of the greenbelt were exactly put in. So far, that meeting hasn't taken place. We hope the member will take us up on that particular offer to meet with us so that he can see that the science that's behind the greenbelt and the millions of acres of land that are going to be protected as a result of this legislation is the right thing to do, not only for this generation of Ontarians but for many, many generations to come.

ENVIRONMENTAL LEGISLATION

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Premier. Last week, we learned a lot about your credibility deficit: how you made promises before the election in order to get people to vote for you and then after the election you forgot about the promises. Today, I want to ask about your government's ethical deficit.

Last week, after six months of gathering dust, Bill 133, the spills bill, was suddenly, without any debate, referred sideways to a committee. It's the bill that your close friend and top political fixer, Warren Kinsella, is getting big corporate bucks to oppose. It's one of those bills that was up for discussion at cabinet last week, at the time that you gave Mr. Kinsella the keys to the cabinet meeting. You gave us your word at the time that Mr. Kinsella didn't discuss the bill. Premier, what proof can you offer the Legislature and ordinary people across Ontario that Mr. Kinsella had nothing to do with this bill?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The leader of the NDP would have us draw something untoward and nefarious connected with the fact that we are taking a bill and sending it to out to committee in the most transparent way

possible to elicit some advice and proposals and suggestions from the public.

I would also want to remind the leader of the NDP that one of those proponents for sending the bill out to committee was Marilyn Churley. She put out a press release. Her press release specifically said, "The government needs to move forward with this legislation. Let's get it to committee and make sure it does what it is supposed to do."

I recommend to the leader of the NDP that he speak with his environment critic so they can get their act together when it comes to this particular piece of legislation.

Mr. Hampton: Premier, you might want to read more into that press release, because it calls for debate and then for amendments at committee. What you've done is shuffle it off to neverland. It sat there for six months and gathered dust until last week, when you invited Warren Kinsella to cabinet, and then there was a motion to send it sideways. Premier, I asked you earlier, do you have any proof that Mr. Kinsella had nothing to do with this manoeuvre on the spills bill? You have no proof. So I want to ask you this: Every cabinet meeting has minutes. Will you disclose what it is that Mr. Kinsella talked about to members of cabinet?

Hon. Mr. McGuinty: In addition to ensuring that Bill 133 goes out to committee at the earliest possible opportunity, where we can engage Ontarians further, the member should also know that it was listed on the Environmental Bill of Rights registry for a period of 30 days, and then it was extended for a further 30 days. We are determined to get this right, we are determined to move forward with it and we look forward to getting the leader of the NDP's support when it comes to voting for it on third reading.

Mr. Hampton: We want to know what Warren Kinsella had to say to cabinet, because he had lots to say otherwise. Last month, Mr. Kinsella and the powerful interests he represents had a secret meeting with the finance minister. The finance minister didn't tell the lobby, "You spill, you pay." What he said was, "Not to worry; the bill is going nowhere."

Now that we're into the Gomery commission, people are demanding a little higher standard in terms of accountability from governments. By the looks of things, your spills bill is up the creek and your ethical standards are down the river. Will you disclose the cabinet minutes where Warren Kinsella attended cabinet? He's not a member of cabinet. I think we're entitled to know, what did he tell cabinet ministers? What was he there about? We know that he wants to lobby your government to get rid of the spills bill, so please tell us, what did he have to say at your cabinet meeting?

Hon. Mr. McGuinty: I know the leader of the NDP has a particular challenge today. There is a very small news hole available—most of the media will be dominated by stories coming out of Parliament Hill—and he's looking for any kind of hook, no matter how specious and unsubstantiated.

I said last week in response to a question that, yes, Mr. Kinsella did come before cabinet. He did make a presentation and, I will say again, it had nothing whatsoever to do with the issue that the member opposite is raising today. I will repeat once more: It had nothing to do with Bill 133—nothing.

1430

LOBBYISTS

Mr. Howard Hampton (Kenora–Rainy River): To the Premier. Once again the Premier, who is renowned for breaking his promises, says to the people of Ontario, “Trust me.”

I want to ask you not just about Mr. Kinsella but about some other Liberal insiders who are making big bucks, working for the wealthy and the powerful lobbying your government. Mr. Bob Lopinski: Four months ago, he was your director of issues management. Now he is lobbying for Bruce Power. Six days before Lopinski signed on as Bruce Power's lobbyist, a deal to restart the two mothballed reactors at the Bruce nuclear station went to cabinet for discussion. This is a \$2-billion deal.

We think you should be listening to ordinary Ontario families, but it looks as if you are listening to paid lobbyists like Mr. Kinsella and Mr. Lopinski. Premier, can you tell us, please, what is your word on this deal? Does Mr. Lopinski have nothing to say to cabinet ministers about approving Bruce Power's deal?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): We have a number of people we consult with respect to ensuring that we get public policy right. We've consulted Bob Rae, who did a very good job for us with respect to recommendations on post-secondary education. We consulted Richard Johnston. We consulted Marion Boyd, who came forward with some recommendations of great importance to us. We consulted Mr. Romanow. We consulted Bill Davis. We consulted a number of people of a variety of political stripes, all of whom have helped us lend shape to good public policy, and we will continue to do so in the future.

Mr. Hampton: The Premier tries to confuse those people who have been asked to do an investigation with paid—

Interjection.

The Speaker (Hon. Alvin Curling): Member from St. Catharines, would you come to order, please.

Mr. Hampton: The Premier wants to confuse people who have been asked to do an investigation or do a report with paid lobbyists. There is a big difference. The paid lobbyists are there on behalf of the wealthy and the powerful and couldn't give a damn about the public interest.

I want to ask you about another paid lobbyist. We know about Andersen Consulting, otherwise known as Accenture in Ontario. They ripped off the Ministry of Community and Social Services to the tune of tens of millions of dollars on a computer system. Now you are considering a multi-million dollar contract to build an

information system for the Family Responsibility Office and you refuse to rule out Andersen Consulting, otherwise known as Accenture. They changed their name after they got caught. Who is lobbying for Accenture? None other than Phil Dewan, your former chief of staff.

I ask you again, Premier, are you listening to the ordinary folks who don't want to be ripped off to the tune of tens of millions of dollars again, or are you listening to the backdoor insider lobbyists who are being paid big bucks by the wealthy and the powerful?

Hon. Mr. McGuinty: Something I failed to mention earlier is that we have also spoken with Buzz Hargrove on a number of occasions and got some very good advice on that score. He is getting the cold shoulder these days from the NDP, but we're pleased to listen to everybody and to distill that into some wisdom and make sure that we get public policy right.

I know that the member opposite is just doing his job, but I can tell you that we are devoted to the public interest. We consider ourselves open and accessible. We will hear from anybody we think has something to offer with respect to getting public policy right. But at the end of the day, we will remember the people of Ontario, we will keep their interests first and foremost in our minds and we will ensure that those interests breathe life into all our public policy.

Mr. Hampton: Premier, I am doing my job, and I want to tell you about Andersen Consulting/Accenture. They were kicked out of Florida for bad deals. They were kicked out of Ohio for bad deals. In New York, they're under investigation. New Brunswick cancelled a \$60 million contract with them. They are under investigation in Texas. Then there's Nebraska and Virginia, and then they ripped off the public of Ontario. But you seem to be throwing down a welcome mat to them. Why? Because your former chief of staff is their paid lobbyist.

I ask again, Premier—we've heard about the \$10,000-a-plate private dinners with the developers; we know about Warren Kinsella; we know about Bob Lopinski; and now there's Mr. Dewan—whom are you listening to, the paid lobbyists who have lots of money and lots of power or the ordinary folks of Ontario who are increasingly worried about where your government is going?

Hon. Mr. McGuinty: Just to set the record straight on a couple of items: First of all, with respect to Mr. Lopinski, he is not authorized by the conflict commissioner to begin to lobby us here at government for a full year after his departure. I know the leader of the NDP knows that.

Second, with respect to Accenture, he may be aware of something that I'm not aware of. When it comes to the matter of dealing with the Family Responsibility Office, we've had that overseen by a fairness commissioner. We're not exactly sure who has applied for this work. We're not supposed to know that. I'll await the outcome of that. If he has access to insider information, then perhaps he'd like to share that with us. But we will ensure that this is overseen by a fairness commissioner, because we think that is the responsible thing to do.

LABOUR LEGISLATION

Mrs. Elizabeth Witmer (Kitchener-Waterloo): My question is for the Minister of Labour. Bill 144 will not promote economic prosperity, as you claim. It will, however, stifle economic growth and job creation at a time when our province is suffering from an ever-increasing tax burden, rising dollar, increasing hydro rates and unparalleled global competition. That's reinforced in a letter that I received from the Canadian Restaurant and Foodservices Association, who represent 8,300 members who employ over 380,000 people. In their letter, they express concern "that the uncertainty created by changes to the labour code will discourage investment, employment and growth, further contributing to the industry's and the province's economic woes."

Minister, will you listen to the concerns of the CRFA and the other members of the business community, such as the Coalition for Democratic Labour Relations, and withdraw this job-killing legislation?

Hon. Christopher Bentley (Minister of Labour): Unlike the party opposite or the third party, we listen to all participants when it comes to labour relations. We're determined to restore fairness and balance to our approach to labour relations in the province of Ontario. That's why, immediately after becoming Minister of Labour, I listened to business groups, such as the ones she outlined, and labour groups.

The package of reforms in Bill 144 is fair and balanced. With respect to all of those outside of the construction industry, apart from getting rid of the poster and the salary disclosure, what the bill provides is an effective remedy where an employer engages in conduct that effectively removes the democratic right of workers to decide for themselves whether or not they want to be members of a union. I can't imagine any responsible individual opposing that important democratic initiative.

Mrs. Witmer: This bill definitely does not restore fairness or balance. It takes away the democratic rights of workers to a secret ballot vote, but it also sends a very strong signal around the world that Ontario is no longer open for business. Surely, you remember the Rae government and their Bill 40. It effectively killed 10,000 jobs in this province.

Minister, if you are not prepared to withdraw this bill, will you commit that you will send this bill to committee for public hearings in order that substantial amendments can be made to ensure that Ontario remains an attractive destination for job creation and investment for our people?

1440

Hon. Mr. Bentley: In fact, we're determined to ensure economic prosperity in the province of Ontario, as is clear not only from our labour relations initiatives but from many of the initiatives pursued by other ministers such as Minister Cordiano in the Ministry of Economic Development and Trade.

I'd say, secondly, that Ontarians do remember the time of the previous government, where they were determined

to have a one-sided approach to labour relations that does not promote economic stability. In fact, the history of this province was built on a labour relations regime that respected labour and management interests and worked for the best interests of the people of Ontario.

With respect to the specifics of Bill 144, I would hope that the honourable member would not keep trying to suggest that Ontario is not the place to invest, because that will not help support economic prosperity in the province. All that bill does for those areas outside of construction is ensure that if that small, tiny minority of employers decides to remove a worker's democratic right to choose, there will be a remedy, and there must be a remedy, for that type of conduct.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): Today the Toronto Sun featured a number of Ontario families who live with autism and are facing financial ruin trying to pay for treatment.

Lillian Wagman is a plaintiff in the Deskin-Wynberg court case. Both of her sons have autism. When Michael turned six, he was arbitrarily cut off his IBI treatment by your government. His parents now pay \$2,500 a month privately for his IBI, for his brother David's speech therapy and for specialized nursery school for David as well.

Premier, you made a very specific promise to parents like this that you would end the discrimination against their children, that you would continue to pay for IBI treatment. Are you going to do that, or are you going to drive them into financial ruin?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): Let me tell you what we have done. We have doubled investment in services to help these children. We have reduced waiting lists for assessment by 72%. We've increased the number of children thus far receiving IBI treatment by 25%. We've created a new program for school-aged children, which has been embraced, by the way, by every single school board. We have hired 139 new autism spectrum disorder consultants to help our teachers and educational assistants make sure they're meeting the needs of students who have been diagnosed with autism. Those are the things that we have done thus far in order to help families better help their children who are affected by autism.

Ms. Martel: Premier, this is about the very specific promise you made to Nancy Morrison during the election, that you were going to end the discrimination against autistic children over the age of six. That's a promise you've done nothing about except to break.

You see, a number of parents voted for you on the basis of that promise. In a letter to the editor today, Thomas Gibson, who is a former Ontario deputy minister, wrote that both he and his wife—and she was in a wheelchair and incapable of speech at the time—went to the polls to vote Liberal because their grandson is severely autistic and they thought he was going to get

IBI. Brad and Cynthia Boufford of London voted Liberal because they believed you when you said that you were going to end the discrimination against six-year-olds. Imagine their surprise and anger when your government, Premier, cut their son Jordan off his IBI when he turned six last May.

This issue is all about a specific promise you made when you were looking for votes. Now that the election is over, Premier, are you going to make good on the promises that you made to these families?

Hon. Mr. McGuinty: In addition to reducing our waiting lists by 72%—and we agree, we have more to do—in addition to increasing the number of children receiving IBI services by 25%—and we agree, there is still more to do—I want to bring to the member's attention, if she might be inclined to listen, that notwithstanding Dr. Rozanski's recommendation that we spend \$250 million more for special education services, we increased that to \$365 million.

Beyond that, I am proud to say that we are now providing high-needs support to 2.8% of Ontario's student population. To our knowledge, nobody anywhere on the face of the earth is spending as much money as we are to support high-needs students—2.8% of our student population.

We are proud that so far we've spent about \$1.7 billion more in our first year on the job to meet the needs of students. I know that there's more to do, and we look forward to doing it.

GROW BONDS PROGRAM

Ms. Monique M. Smith (Nipissing): My question today is to the Minister of Northern Development and Mines. Over the last 15 months, residents of northern Ontario have witnessed a great deal of activity and a number of great initiatives launched by our government for northern Ontario.

Most recently, our government announced an innovative grow bonds program. These bonds are currently on sale, and loan applications are now available for small to mid-sized businesses in the north. But some residents and businesses in my riding have expressed concern that the bond purchase and business loan application periods are too short and have asked for a longer bond purchase and loan application period to be granted. What is our government doing to ensure that the northern Ontario grow bonds program is given every possible chance of success?

Hon. Rick Bartolucci (Minister of Northern Development and Mines): The member for Nipissing is right: We have heard a number of comments associated with our original timelines.

As you know, this is a government that listens to northerners. We value the opinions of northerners. As such, I'm pleased to tell the members of the House today that in response to the request by northerners, both northern investors and businesses, we have announced an extension of the bond sales and loan application periods

for the northern Ontario grow bonds. Northern residents will have until April 18 to buy bonds at a competitive rate of 4% interest over five years that is fully guaranteed by the government, and northern businesses will now have until May 6 to submit loan applications that will help grow their businesses, create new jobs and reignite the northern economy.

Ms. Smith: Minister, that's great news, and I appreciate that. Grow bonds are an important part of our northern prosperity plan and are a great initiative to stimulate economic investment in the north by investing in our small and mid-sized companies.

The reaction in my community has been great, with at least two of my local municipalities making significant investments. My local chamber of commerce is also taking a lead role. Could you share with the House today the reaction of other northern communities to the grow bonds program?

Hon. Mr. Bartolucci: Indeed, our government has lived up to its commitment to northerners by not only providing the wherewithal to bring prosperity to the north, by not only providing the empowerment to bring prosperity to the north, not only by providing the plan to bring prosperity to the north, but also by bringing a vision filled with hope and promise for a better future.

We have been most encouraged by the commitment and leadership demonstrated by a number of municipalities that have stepped forward to purchase large bond amounts. In doing so, they have invested in their own future. We look forward to seeing the new business investments and jobs that this program will bring to the north.

We just have a reminder to all northerners that this is the last week to buy those bonds. We encourage them to go on-line; we encourage them to go to their government offices to pick up those application forms. By investing in grow bonds, you invest in the future of northern Ontario.

1450

HIGHWAY 69

Mr. Norm Miller (Parry Sound-Muskoka): My question is to the Minister of Northern Development and Mines. When you were in opposition, you demanded action on the four-laning of Highway 69 from Sudbury to Parry Sound. Well, Minister, you are now in a position to do something about it. You are the minister responsible for the northern roads program. Can you tell me when we can expect Highway 69 to be four-laned from Parry Sound to Sudbury? When will the four-laning be completed?

Hon. Rick Bartolucci (Minister of Northern Development and Mines): If I weren't political and didn't want to give a political answer, I would simply say that laying one inch of asphalt between Sudbury and Parry Sound would be more than the previous government did in its eight years. However, I'm not going to do that, because Highway 69 is a very important initia-

tive that our government is committed to. Let me tell you that since we took the reins of government, there have been more projects on Highway 69 between Sudbury and Parry Sound than ever in the past. There has been more commitment to four-laning than was ever the case by previous governments. I invite the member from Parry Sound-Muskoka to come and visit northern Ontario, to come and visit the riding of Nickel Belt, and he will see first-hand the projects that are going on. They are real projects. They're four-laning projects, something that never happened in the past.

Mr. Miller: I didn't hear anything about the timetable—and that was what my question was about—for the completion of Highway 69 to Parry Sound. I would like to quote the January 5 Northern Life newspaper, where it says that as a matter of fact, CRASH 69, which was co-chaired by Bartolucci, called for it to be completed in seven years, but now all we hear is silence. It goes on, "Premier Dalton McGuinty has no intention of keeping his promise to Sudbury to four-lane Highway 69." I ask again, when can we expect Highway 69 to be four-laned from Sudbury to Parry Sound? Is this just another broken Liberal promise?

Hon. Mr. Bartolucci: It's anything but a broken promise; it is a real commitment. For the first time ever, you have a government in Ontario that is committed to four-laning Highway 69 from Sudbury to Parry Sound. For the first time ever, you have a government that signed a SHIP agreement that allows for projects to move ahead on Highway 69. For the first time ever, you have a real commitment of real dollars. Let's go back a little bit in time to November 2002, when the former Premier of Ontario, Ernie Eves, came to Sudbury and made an announcement Highway 69 would have a commitment of \$100 million each year in every Tory budget. But the 2003 Tory budget had no commitment to dollars, no mention of Highway 69 and no commitment to the four-laning. The reality is that this government believes that if you make a commitment, you follow through with that commitment. I am proud of our Premier's and our government's commitment to northern Ontario and to Highway 69.

FOREST INDUSTRY

Mr. Gilles Bisson (Timmins-James Bay): We say in French, "Plus ça va, moins ça change"—the more it goes, the less it changes—because I haven't seen the money in the Liberal budget for this highway.

My question is to the Premier. You would know that your Minister of Natural Resources has decided to reallocate timber from existing sawmills in northern Ontario to Tembec and Domtar so that they can create larger supermills. This past week, in an interview with the Timmins Daily Press, he was asked why people were upset and why people in those communities were fighting to save the mills. "They're putting all their energies into the past," said David Ramsay to the Daily Press about the citizens of Chapleau, Opasatika and Kirkland Lake. He further said, "This plant will close ... that's it. We need

to start thinking about the future," and that these people's minds are in the past.

I say to you, Minister, and to you, Premier, that it's a future where we know the McGuinty Liberal government is doing all it can to take wood from communities like Opasatika, Kirkland Lake and Chapleau, shut down those mills and give it to large multinationals so they can create supermills. My question is, why are you telling northerners who are fighting for their communities and their future that they're living in the past?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Northern Development and Mines.

Hon. Rick Bartolucci (Minister of Northern Development and Mines): First of all, nothing could be further from the truth. We have a Minister of Northern Development and Mines—excuse me—a Minister of Natural Resources and a government that truly care about the people of northern Ontario, that are committed to ensuring that we find solutions to the very complex problems we have. That's why the Minister of Natural Resources established the Minister's Council on Forest Sector Competitiveness. He awaits those recommendations. He will study the recommendations and move forward once he studies them.

Let me be perfectly clear: This is a government that is committed to the longevity and the economic growth of all of northern Ontario.

Mr. Bisson: In fairness to you, Minister, I would agree: We have a Minister of Northern Development and Mines. What we don't have is a minister in charge of natural resources. What we've got is a minister who kowtows to the larger lumber companies across northern Ontario and says to northerners, because they're fighting to support their communities and save the jobs in their towns, that they're living in the past.

I'm going to put it right to you, Minister, as clear as I can make it: What is the matter with your government? Why is it that you won't stand up for northern Ontario, those communities, and say to the lumber companies that you are not going to allow them to transfer this wood and that you're going to allow the communities to reorganize and find new buyers for those particular mills so that we can keep those jobs in those communities?

Hon. Mr. Bartolucci: Obviously, I disagree with my critic in his supplementary question. We have a wonderful Minister of Natural Resources who works extremely hard to ensure longevity and prosperity for all of northern Ontario. We will work through these problems. We will establish an opportunity, a milieu, an atmosphere of positive growth in northern Ontario. We've started that already with our northern prosperity plan. Listen, if you ever want to compare records with anybody, you can compare the 1990-95 records of the former NDP government, when 14 mills were closed.

But do you know what? We're not living in the past. We're living in the present, for the future. We've put an economic plan together called the northern prosperity plan, where we will ensure—

Interjection.

The Speaker (Hon. Alvin Curling): Member for Nickel Belt, come to order.

Hon. Mr. Bartolucci:—that the industries in northern Ontario grow in a very productive, strong way so that the economies of northern Ontario will, for the first time in a long time, have that optimistic support of government working with them to ensure that we recognize and reach the potential of northern Ontario.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Phil McNeely (Ottawa—Orléans): My question is for the Minister of Finance. Our government has been leading the call for fiscal fairness for Ontario. Ontarians from all walks of life are taking notice. We have been seeking some redress to close a \$23-billion gap between what Ontarians pay to the federal government through taxes and what they get back in federal spending in Ontario. We have called on federal government MPs to take this message to their government. Minister, media reports this morning suggest that our government has reached a deal with the federal government on issues of concern to Ontario. Can you give this House an update on conversations with the federal government?

Hon. Greg Sorbara (Minister of Finance): The first thing to say is, I did have a very productive meeting with Minister Volpe on the weekend. I think, as a result of the meeting, he has decided to become a much more aggressive advocate, explaining to his own government the realities of the \$23-billion gap and the burden that Ontario carries right now in relation to that gap. I think I did convince Minister Volpe that there are nine areas in particular that our governments could begin to negotiate. I think I did convince Minister Volpe that he needs to work diligently to get the Prime Minister to open up doors for discussion with the Premier of this province.

I wouldn't say we've reached an agreement or any deal. Certainly, that would be a misrepresentation of our meeting. But you know, it's one small step that we took yesterday toward dealing with this very serious problem.

Mr. McNeely: Obviously the federal government is more eager to try to close the books on this issue than it ought to be, and not all of our issues will be resolved in one meeting between ministers. But the campaign for fiscal fairness is gaining steam. Minister, can you tell me what came out of your meeting with Minister Volpe?

1500

Hon. Mr. Sorbara: It was a meeting primarily about politics and the political realities that Ontarians and the nation are confronting. I had an opportunity to list very specific items including investment in Ontario's infrastructure; investment in post-secondary education, investments to help us meet our Kyoto commitments with the elimination of coal, investments in a new immigration agreement and investments in a labour market agreement. The good news—and I have to commend Minister Volpe for this—is that he said he was willing to listen and to take that argument and those views to the Prime Minister.

We are hoping that something positive will come out of that.

ROYAL BOTANICAL GARDENS

Mr. Cameron Jackson (Burlington): My question is for the Minister of Culture. Like many of us who live in the greater Hamilton and Halton regions, we have expressed concern about the future of the Royal Botanical Gardens, and had anticipated the report of the review committee discussing its mandate. There has been concern expressed by just about everyone that this report does not in any way change the mandate and does not provide any additional funding. It is causing confusion and concern as to the future. Your multi-year commitment is very unclear as to which level of government is to pay, with too many strings attached. You can't use capital dollars to buy picnic tables and expect to meet your payroll. You can't use research dollars to cut grass. Madam Minister, it would appear that that report offers no real hope for us to save this important cultural icon. Are you prepared to seek the necessary funds to keep the RBG open this summer?

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): First of all, I want to say that we were pleased to receive the report. The report is a combination of extensive research conducted by the committee. I want to take this opportunity today to thank the co-chairs of this review committee for their wonderful job and especially those who have contributed, by their knowledge and by their experience, to the outcome of the report.

We know also that Royal Botanical Gardens plays a very important role for the city of Hamilton and for the whole province. I think it's too early to speculate about the outcome. We know that the board has received the report and will give their opinion on the recommendations.

Mr. Jackson: Minister, there have been real questions raised about the independence of this report, by virtue of the presence of one of your ADMs on the committee and the suggestion that one of the conditions going into the review was that there be no new money put into the board, which is why so many people are concerned that you haven't changed the mandate. We don't have a couple of months here to consider this. The RBG is having difficulty meeting its payroll. On Friday, they barely made their payroll. As you know, they pay once a week. They are not paying their utilities; they're not paying their payables. This coming Friday, they will not have enough cash to pay their employees and their payroll. They're going to have to start laying people off. So I ask you, Minister, will you at least take the limited dollars that you are committed to and flow those now, because they have a serious cash flow problem—either \$159,000 per month or \$460,000 quarterly. Will you at least stand in the House today and make that commitment so they're not laying off people and can make their payroll this coming Friday?

Hon. Mrs. Meilleur: I'm very pleased to see that the member from Burlington has a renewed interest in the RBG. We have seen the RBG have a deficit for the past four or five years, before we got into power. That's why I have asked for a review to be done. We have received the report, and we are waiting for the review of the recommendations by the board in both the Hamilton and Halton regions.

I just want to remind the member of what he said about the RBG when they were in power: "What I find difficult, is I would hope that we're not going to pay the deficit of the RBG when we're going to allow our hospitals to run increasing deficits. I don't think that's appropriate."

HYDRO SECURITY DEPOSITS

Ms. Andrea Horwath (Hamilton East): My question is to the Minister of Energy. There is a new Ontario Energy Board policy that is inflicting a great deal of pain on hydro customers across this province, especially for low- and modest-income families. Municipal hydro companies like Hamilton Hydro now demand and hold for a full year significant cash security deposits from customers who are late paying their hydro bills more than once in a 12-month period. This exorbitant cash requirement can amount to hundreds of dollars or more on top of late-payment interest charges. The policy is the utilities' new cash cow, and quite frankly, this beast needs to be tamed.

Minister, will you order a review of the OEB policy that siphons security deposits from customers who are late paying a couple of bills? Or will you do nothing for the hard-pressed Ontario hydro customers who are being gouged by millions under your current policy?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): The question of security deposits is a multi-faceted one that can, indeed, I concur with the member and the proposition of her question, be an unfair penalty on those who are required to put up security deposits. What makes it challenging is that the costs not paid by the individual consumers are paid by the other consumers. So there's always a balancing act with respect to that.

We are examining a number of issues with respect to fairness toward consumers who run into financial difficulties with their local distribution companies across a whole range of issues. Certainly, this is a matter that is worthy of ongoing discussions, as it has been for a number of years. I believe the Ontario Energy Board ought to be concerned about these matters, as we are.

I remind the member that when there are unpaid bills to a local distribution company, the people who wind up paying for them are other ratepayers, and oftentimes it's other ratepayers of modest means. So it's a difficult balance to find, one that requires, in my view, constant surveillance and oversight, both by the regulator, in this case the Ontario Energy Board, and by government.

Ms. Horwath: I would submit that currently the security deposit is being abused, quite frankly, and it's hurting people who are good, loyal customers, who are wanting, but struggling, to pay on time. They haven't had a default or a disconnection, but if they can't pay their hydro bill within two weeks, the utility then threatens to cut off their service. If late one more time, customers have to pay a security deposit or lose their hydro. These deposits aren't held in trust. The utility uses them instead as a bit of a bank to finance its operational needs. In Hamilton, the newly merged hydro company currently holds \$11 million in security deposits. Its own financial statements acknowledge that credit losses are usually only about \$600,000 a year.

I ask you again: Will you review the policy that allows hydro companies to collect far more in security deposits than they need from the people who can least afford it?

Hon. Mr. Duncan: We certainly will review those policies; we always do. I reviewed them for the period 1990-95. Security deposits went up then too.

I fully concur that we should be reviewing these policies. I do on a routine basis. The Ontario Energy Board has a well-defined mechanism for input, both by consumers and utilities. These matters are of great concern to anyone in this House who wants to see fairness on these matters, ensuring that balance between those who don't pay their bills and those who do, who then have to pay the costs for those who don't pay their bills. I concur with the premise of the member's question, that there has to be fairness. We certainly will undertake to review and continually scrutinize these policies, as any government that is concerned about consumers would. This government certainly is concerned about consumers, both large and small.

1510

TEACHERS' PROFESSIONAL DEVELOPMENT

Mr. Dave Levac (Brant): My question is for the Minister of Education. Since 1999, I've made the commitment to continue to meet with teachers in my riding, and I visit schools on a regular basis to do lessons in grades 5, 9 and 11.

The teachers I've been talking to have continually told me that they're very happy that this government is getting rid of the so-called PLP, the professional learning program, also known as teacher testing. They also expect, and are very co-operative in understanding, that there should be some program in place to deal with that. Teachers felt that the process was extremely unfair and ill-advised, and at best did nothing for the improvement of the education learning situation for the kids in Ontario. They felt that it was nothing more than punishment from the previous government because they decided to deal with them in the way they did.

You announced in December that you were terminating that program. Minister, what program has the government proposed to replace the PLP to ensure that our

teachers remain the best-trained in Canada, and ultimately to benefit the learning of our kids?

Hon. Gerard Kennedy (Minister of Education): We all know that the previous government wasn't afraid to traffic in those kinds of places, to exploit people's feelings. Sure, teacher testing sounds like an attractive program to people who have been tested by teachers, and maybe they want to be able to get some back. But nowhere in the world is there a test that tells you that someone is capable. What does make somebody a capable teacher is a professional development process, which was contradicted in every single way by the previous government.

We have moved ahead with the intensive training of teachers. We had, for example, almost 8,000 teachers show up—volunteer their own time—last summer to get literacy and numeracy training. We will have provided, by the end of the year, professional development to more teachers than any government has in the recent past. But more importantly, we're looking at an induction program from when teachers start their careers—we appreciate the work that they do—right through to the later career. There should be a continuous program of teacher development, and the proof, for the well-being of students, should be how many teachers actually take the training. On that count, we've done very well.

Interjections.

The Speaker (Hon. Alvin Curling): Order. I'm quite capable of watching the time. Members are given equal time. The member.

Mr. Levac: Thank you for answering the question. If anyone on the other side had cared to listen, you were saying that there is a replacement program on its way and it's being developed in co-operation and consultation with all the organizers and the people who are involved in education.

In the throne speech, the government stated that the important priority will always be excellent public education. Our goal is to make Ontario's public education the world's best education, as quoted in our platform. This could not be accomplished through the divisive and adversarial systems that existed before. Minister, I was trapped in that particular mode of operation, and I can tell you, as a personal experience, that I felt absolutely useless. I was made to feel as if I had not made a contribution over my 25 years in education. I was demeaned, and I resented it.

What steps is the government taking now to work with teachers to ensure that we offer the best we can and have them be the best they can be, which in turn allows our kids to get the best possible education, which we should all be striving for in this place?

Hon. Mr. Kennedy: I want to point out that the essence of that approach is one that was not just ignored but trampled on by the previous government: a policy of respect for teachers and for other education workers. Frankly, it applies to any workplace but especially where we have a trust position involving students and involving

something as difficult to do as the formation of their education.

We have actually set up a partnership table, which had its latest meeting last week, where teacher federation representatives, representatives from school boards and unions, support workers, parents and students were all able to first look at some of the provincial policies we're doing. As opposed to some of the other attitudes in this House, we want to get the job done. We want to find, as some enlightened jurisdictions have, a place to find collaborative work. That, if it's allowed to take place, is the natural way that teachers will do their job best: in a spirit of collaboration, with the tools they have. When they close their door and they're teaching students, we want to have the best available to them. Unlocking the potential of teachers in this province will allow us to unlock the potential of all our students.

PETITIONS

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): This follows a meeting we had on Saturday up in Orillia.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to this.

POST-SECONDARY EDUCATION

Mr. Rosario Marchese (Trinity-Spadina): "To the Legislative Assembly of Ontario:

"Whereas rebuilding our post-secondary education system is critical to the future of our communities and our province; and

"Whereas high tuition user fees are resulting in massive student debt; and

"Whereas Ontario ranks second-last among all provinces in terms of total PSE budget received from government grants and has the highest percentage of total post-secondary education revenues from private sources; and

"Whereas working and learning conditions must be healthy and safe, because working conditions are learning conditions; and

"Whereas the deferred maintenance cost at Ontario university campuses is estimated to have already reached the \$2-billion mark;

"We, the undersigned, support the Canadian Union of Public Employees' call on the provincial government to invest sufficient public funds that will:

"(1) Restore public money cut from operating funds since 1995 and bring Ontario up to the national average for funding post-secondary education;

"(2) Finance the \$1.98 billion needed for deferred maintenance; and

"(3) Provide the funding needed to continue the tuition freeze beyond 2006 and increase grants to working-class families."

I support this petition, and I affix my signature.

CONTROL OF SMOKING

Mr. Brad Duguid (Scarborough Centre): I have a petition signed by 42 individuals, most of whom are my constituents, as I look through the list. It reads:

"To the Legislative Assembly of Ontario:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke."

Mr. Frank Klees (Oak Ridges): This petition was sent to me by Mr. Mark Neumann, the general manager of East Side Mario's in Richmond Hill. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate and control employee and customer exposure to second-hand smoke."

I'm prepared to affix my signature to this petition.

1520

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Andrea Horwath (Hamilton East): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly sent to me by Debbie Bruce of Mississauga, and it reads as follows:

"Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools, be it therefore resolved...

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I'm in support of this position. I'm pleased to affix my signature and to ask Ryan to carry it down for me.

GASOLINE PRICES

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas gasoline prices have continued to increase at alarming rates in recent months; and

"Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario's drivers while also impacting the Ontario economy in key sectors such as tourism and transportation;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario consider an immediate gas price freeze for a temporary period until world oil prices moderate, and

"That the provincial government petition the federal ... government to step up to the plate and lower gas prices by removing the GST on gasoline products and fix the federal Competition Act to ensure consumers are protected and that the market operates in a fair and transparent manner."

I affix my name in full support.

VOLUNTEER FIREFIGHTERS

Mr. Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario. It reads as follows:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

"Whereas the Ontario Professional Fire Fighters Association has declared their intent to 'phase out' these double-hatter firefighters; and

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario; and

"Whereas Waterloo-Wellington MPP Ted Arnott has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, which would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

I have affixed my signature as well.

The Deputy Speaker (Mr. Bruce Crozier): The member for Ajax.

1530

STUDENT SAFETY

Mr. Jim Flaherty (Whitby-Ajax): I have a petition to the Legislature of Ontario.

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I have signed my name.

The Deputy Speaker (Mr. Bruce Crozier): That was Whitby-Ajax; I'm sorry, to the member.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and the Liberal government were elected based on their promise to rebuild public services in Ontario; and

"Whereas the Minister of Community and Social Services has announced plans to close Ontario's Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to

many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

CONTROL OF SMOKING

Mr. Frank Klees (Oak Ridges): Mr. Atif Zia of Etobicoke forwarded this petition. I'm pleased to present it to the Legislature. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas 25% of the adult population, or 2.25 million adults, in Ontario continue to smoke; and

"Whereas tobacconists are private enterprise catering only to those who smoke; and

"Whereas more than 50 tobacco businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws; and

"Whereas those smoking rooms are intended only for the sole use by smokers; and

"Whereas testing and sampling of tobacco products is vital to the functioning of those businesses,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To adopt an exemption for tobacconists to Bill 164 identical to that of the province of Manitoba."

I'm pleased to affix my signature.

CHIROPRACTIC SERVICES

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas over 1.2 million people use chiropractic services every year in the province of Ontario; and

"Whereas those who use chiropractic services consider this an important part of their health care and rely on these services, along with the OHIP funding in order to function; and

"Whereas the elimination or reduction of chiropractic services would be viewed as breaking the promise not to reduce universal access to health care; and

"Whereas by eliminating or reducing OHIP coverage of chiropractic services, where the patient pays part of the cost, will end up costing the government far more in additional physician, emergency department and hospital visits;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario does not delist chiropractic services from the Ontario health insurance plan,

and that assurance is given that funding for chiropractic services not be reduced or eliminated."

I affix my name in full support.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): This is a very important issue in my riding.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to this petition.

STUDENT SAFETY

Mr. Frank Klees (Oak Ridges): "To the Legislature of Ontario:

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I'm pleased to affix my signature to this petition.

ORDERS OF THE DAY**MANDATORY GUNSHOT
REPORTING ACT, 2005****LOI DE 2005 SUR LA DÉCLARATION
OBLIGATOIRE DES BLESSURES
PAR BALLE**

Mr. Kwinter moved second reading of the following bill:

Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds / Projet de loi 110, Loi exigeant la divulgation à la police de renseignements en ce qui concerne les personnes traitées pour blessure par balle.

The Deputy Speaker (Mr. Bruce Crozier): Mr. Kwinter.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I will be sharing my time this afternoon with my colleague Shafiq Qadri, who is the member from Etobicoke North.

Today, I'd like to speak in support of the McGuinty government's legislation to require public hospitals and designated health care facilities to report to the police when they've treated a person for a gunshot wound.

Let's begin by looking at the situation as it exists today. Obviously, guns are lethal weapons and a danger to public safety, and yet there is currently no legislated duty in Ontario for health care professionals to report gunshot wounds to the police. Right now, we are faced with the ludicrous situation that a mechanic who finds a bullet hole in a vehicle must report that to the police but a doctor treating a person for a gunshot wound isn't required to do the same thing. In Ontario, health care practitioners are mandated to report incidents of child abuse, contagious disease, violent deaths and medical conditions related to unsafe driving but are not mandated to report gunshot wounds in people. If this legislation is passed, Ontario will become a trailblazer in Canada. At the moment, no Canadian jurisdiction requires health care providers to report gunshot wounds to the police. We are sadly behind the times.

Forty-five US states have legislation mandating the reporting of gunshot and other wounds. Why? Because police cannot adequately ensure community safety unless they are informed of incidents that may pose a danger to people. Police need to know what is going on in the community. Being aware of wounds that result from guns will allow the police to take immediate steps to prevent further violence, injury or death.

Let me quote from an article in the *Annals of Emergency Medicine* called "Emergency Medicine and Police Collaboration Prevent Community Violence." The article said, "If emergency departments and law enforcement work together to enhance the reporting of crimes, this could deter potential offenders, provide police with information about violence that is not

available from another source, and help repair the wider damage done to victims from communities."

The policing community has expressed concern surrounding its ability to adequately ensure public safety when health care practitioners are not obligated to contact the police when an individual seeks treatment for a gunshot wound. Clearly, the policing community has a stake in this issue and this proposed legislation, and they support it. The Ontario Association of Police Services Boards, the Ontario Association of Chiefs of Police, the Police Association of Ontario and the Ontario Provincial Police Association all support it. The emergency medicine section of the Ontario Medical Association also supports it for the purpose of protecting public health and safety.

Let's look at what this bill, if it's passed, will do to help rectify the situation: It would require the health care facility to report (a) the fact that an individual is being treated for a gunshot wound, (b) the name of the person being treated, if it is known, and (c) the name and location of the facility to the police as soon as it is reasonably practicable.

Now let's look at what the proposed legislation won't do. It won't interfere with the treatment of the patient or disrupt the normal operation of the facility. The report to police would be made orally. This is a quick and efficient way for hospitals and health care practitioners to report to the police. The natural flow of the hospital and overall patient care is less likely to be disrupted by reporting orally, as opposed to time spent completing a written report. There is no obligation on the part of the hospital or designated health care facility to detain the individual.

This legislation will clarify the confusion among health care practitioners in Ontario as to what the reporting requirements are for people who present themselves to a hospital with gunshot wounds. This legislation would minimize the legal dilemma facing health care practitioners and protect health care facilities so that they can give authorized information to the police without worrying about their exposure to liability. It does not prevent a hospital from disclosing information to the police if the hospital is required or permitted to do so under any other legislation.

You may be asking why we have not included the mandatory reporting of knife wounds in this legislation. Unfortunately, legislation such as this would greatly increase the workload of health care practitioners in the sense that all cutting, slashing and stabbing wounds would have to be reported, even those resulting from meal preparation. This would be very time-consuming. Because all gunshot wounds must be reported, medical practitioners are not required to make decisions on the nature of an injury or to take on investigative responsibilities that are more appropriately suited to police officers. That's why my ministry has decided not to include it in our proposed legislation.

This bill, if passed, is just one more example of the McGuinty government's commitment to delivering real, positive change that will make Ontario communities

strong and safe. Protecting the public and ensuring safe communities is a primary focus of the McGuinty government. If passed, this legislation will make Ontario the first province in Canada to have mandatory reporting of gunshot wounds. It will make this province and its communities safer, stronger and more liveable.

Mr. Shafiq Qaadri (Etobicoke North): It's my privilege also to rise in support of Bill 110 on the mandatory reporting of gunshot wounds. I would like to support and also salute Minister Kwinter for his efforts in bringing forward this important legislation. I'd like to echo his sentiments and urge all members of the Legislature to support the McGuinty government's proposed legislation that will make it mandatory for hospitals and prescribed health care facilities to report gunshot wounds to the police.

In 2002-03, there were almost 200 cases admitted to Ontario acute-care public hospitals with injuries resulting from firearms. About 100 of those cases were the result of assault, 70 were accidental and 30 were self-inflicted.

It has been the belief of some that the majority of individuals who are shot in the process of committing a criminal act do not and will not go to the hospital to receive treatment out of fear of being identified, questioned or reported to the police. Yet statistics show clearly that this is not the case. For example, an American report called *Do Criminals Go to the Hospital When They Are Shot?* looked at the issue. After interviewing about 2,300 male inmates from five different jails across the United States, it found the conclusions that 14.5% of them reported having been shot, and that of that 14.5%, 91% said that they actually went to the hospital seeking care for those injuries. This would seem to indicate that criminals will still seek hospital medical treatment for injuries sustained from the discharge of a firearm, regardless of their fear of being reported to the police.

Indeed, 45 American states have some form of law for the mandatory reporting of gunshot wounds and in fact other wounds. Yet we have no such provision in any jurisdiction in Canada. As we see it, as the minister sees it and as the McGuinty government sees it, there is a need to balance these two competing interests. The law enforcement communities need to balance the goals of effective law enforcement and public safety, and the health care professionals need to protect personal information and the integrity of the patient-physician relationship.

1540

Patient confidentiality is not—I repeat, not—an absolute right in Canada. Exceptions have been defined and broadly accepted by the public as well as the medical profession. For instance, if a person, including a health care practitioner, has reasonable grounds to suspect that a child is or may be in need of protection against abuse, he or she must, by law, promptly report the suspicion and information to the children's aid society. Incidences, for example, of reportable contagious diseases, such as HIV and syphilis, must also be reported to the medical officer

of health. Medical practitioners must report to the registrar of motor vehicles the name, address and clinical condition of a patient who, in the opinion of the practitioner, has a condition that makes it dangerous for that person to drive; for example, epilepsy. Suspicious and violent deaths must also be reported to a coroner or police officer. All of these requirements protect the public, as will this legislation, if it is passed.

As Minister Kwinter has said, it's important to note that the proposed legislation would, if passed, require hospitals to orally report to police the name of a patient who has been treated for a gunshot wound, if it's known, and to give the name and location of the facility. This report would be made as soon as it is practicable and would not disrupt normal hospital operations.

The policing community supports this legislation overwhelmingly because, if passed, it will improve the quality of life in our cities, towns and rural areas by giving the police the tools they need to keep our communities safe. It will support the police in their efforts to increase community safety and allow them to take immediate steps to prevent further violence, injury or death.

The Ontario Medical Association, of which I am a member, also supports it because it resolves a source of conflict between health care workers and law enforcement officials.

This is worthy legislation because it will make Ontario's communities and citizens safe, and it clarifies the reporting obligation and protects health care providers from liability. This legislation furthers the McGuinty government's goal of delivering real, positive change that will make Ontario strong, healthy and prosperous. Through it, we are protecting the public and ensuring safe communities. We are improving community safety by mandating the reporting of those who have been involved in violent incidents involving firearms. What's more, this legislation, if passed, is likely to minimize the legal and ethical dilemma facing medical staff.

For all these reasons, I'm urging all members of the Legislature of Ontario to support the speedy passage of Bill 110, the mandatory reporting of gunshot wounds.

The Deputy Speaker: Questions and comments?

Mr. Garfield Dunlop (Simcoe North): I'm quite surprised. What was it, 11 or 12 minutes on a leadoff for a community safety bill? I thought the government would have a lot of reasons to promote this bill. But I will have my opportunity very shortly to do our leadoff, and I look forward to that time.

I should say at the outset that although there are a number of amendments we would have liked to see made to this bill, we will support it even at this particular stage. It's an area that 45 states in the United States have moved toward, and we think it's time that the provinces—Ontario and hopefully other provinces—have the same type of legislation in the future.

I look forward to the opportunity, in a few moments, to discuss this bill, to read some things into the record that I want read in and to talk a lot about community

safety in general. That's what my comments will be about today: not only on mandatory reporting of gunshot wounds, but on things like the lack of the 1,000 police officers that this government promised, the conditions around a facility in the province that's being closed and that may have an impact on the community safety of citizens, as well as some areas around safe drinking water that I'd like to discuss. I look forward to that and will be taking part in the debate in just a few moments' time.

Mr. Peter Kormos (Niagara Centre): I too look forward to seeing this debate develop. I know the Tory critic, Mr. Dunlop from Penetanguishene way—Simcoe North—is going to speak for the full hour allowed him on Bill 110, because I was with him and his colleague Mr. Runciman, the member from Leeds—Grenville, when they as much as arm-wrestled the minister, trying to out-“law and order” him in that committee.

Interjection.

Mr. Kormos: They did. It was a fascinating exercise.

What I learned, though, during the course—and it's not inappropriate. Look, we all know what happened yesterday in downtown Toronto, on Yonge Street, for Pete's sake.

Interjection.

Mr. Kormos: You know, some guys—and I'll bet you dollars to doughnuts it wasn't a registered firearm.

Interjection: Dollars to doughnuts?

Mr. Kormos: That much I'm pretty confident in telling you. I doubt very much if this guy who shot his victim in the buttocks, as the newspapers politely put it, and then two innocent bystanders, apparently—you can bet your boots that that was not a registered firearm. I'll be looking forward to seeing the investigation on that one.

Look, at first I thought this bill was an automatic, but then we had some very, all be they brief, committee hearings, and what I learned—and that's why I'm interested in Mr. Dunlop's declaration that the Conservatives are going to support it. We learned that it really doesn't change anything at all, because it doesn't make reporting of gunshot wounds mandatory, nor does it free up nurses, doctors or other health professionals from their ability to report a gunshot wound—remember that, Mr. Dunlop? So it will be interesting to see how the Conservatives justify their support for such a weak, meaningless, non-law-and-order piece of legislation at the end of the day.

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): I'm happy and pleased to speak on Bill 110, the mandatory reporting of gunshot wounds act, 2005. This proposed bill, if passed, would require hospitals to only report to the police the name of a patient who has been treated for a gunshot wound, if it is known, and to give the name and location of that facility.

I used to work at the emergency department of William Osler Health Centre, Peel Memorial branch in Brampton. There I was supposed to report contagious diseases, child abuse, violent deaths and medical conditions related to unsafe driving to protect the public.

I support this bill because it becomes important that we start reporting gunshot wounds to make Ontarians safe. I commend the minister for bringing this bill forward. Mandatory reporting of gunshot wounds will make our communities safe and strong.

Mr. Jerry J. Ouellette (Oshawa): I have a couple of comments regarding this. First of all, the brevity of the opening statements is a bit concerning. I wanted some more details about it. As we progress with this bill, exposure through members in the House highlighting some of the concerns about it will certainly help out.

Some of the key areas: First of all, I think we should move forward with the regulations for Bill 105, and assisting the policing community and the medical community would be very necessary as well. We're still waiting for regulations with regard to that particular piece of legislation.

I also have some concerns with the way the minister opened his comments regarding firearms and the use of firearms. He more or less implied that firearms are a completely bad thing and the cause of this whole thing and that if we address the firearms issue, much as the feds have concern, that registry will solve all firearms concerns. I think if you check Hansard, you'll see the way it came out. It was very concerning, particularly for a lot of members with rural ridings. If they want to take issue with that, they certainly may.

1550

What about the need for maintaining reports? Once this takes place within a medical facility, what happens then? Are there going to be follow-up reports as well? Normally what happens is, they phone it in on a verbal report and then there will be an investigation team assigned to do a full review with the policing community. They may not do it today; they may do it next week, when those officers are available. And what happens with the ambulance drivers who possibly delivered that victim?

Let's make it very clear: We're very supportive of making sure that those individuals who misuse firearms are punished to the full extent of the law, the way it should be. But those individuals who comply with the laws and follow the guidelines and everything else should not be. Also, on the medical community—the onerous reports or the maintaining of the reports or the cost of that and how it's going to assist the whole situation may not be in the best interests. I look forward to further debate on this issue, as we gain more information on what the minister's full intent is on the bill.

The Deputy Speaker: Reply?

Mr. Qaadri: I'd like to thank my colleagues in the House, particularly the MPP from Simcoe North, for the Tory voice, for his support in recognizing that the McGuinty government is also getting tough on crime. I'd like to thank the MPP from Niagara Centre, from the third party, from the NDP side, with his references to boots, dollars, doughnuts and buttocks, which is approximately the substance of what he said. I'd like to thank my physician colleague from Bramalea-Gore-Malton—

Springdale for highlighting some of the medical aspects from a practitioner's point of view and how this bill eases the reporting. I'd also like to thank respectfully the MPP from Oshawa for raising some of the concerns of the rural side.

In general, this is a bill that will help to strengthen communities by helping to let the authorities know first-hand on-site about gunshot wounds and how they occur, as the whole treatment is in fact unfolding. It has intelligent elements that health care practitioners—including, of course, the main body, the now-anointed Ontario Medical Association—are supporting, because health care practitioners are given a very streamlined reporting process. It has itemized what the responsibilities and duties are, and how—I would even like to address the MPP from Oshawa—no doubt, in any form of reporting setting, especially when it has to do with medical records, the obligation is to retain these records for approximately 10 years.

In general, this is a bill that's going to strengthen communities, be tough on crime and help to make gunshot wounds—let's say, the fallout or the after-effects—that much less dangerous.

The Deputy Speaker: Further debate?

Mr. Dunlop: I'm pleased today to be able to do our leadoff from the Progressive Conservative Party and our leader John Tory on Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds. I do thank the minister for finally bringing this bill forward. It was introduced almost a year ago in the House, in June—10 months ago. I thought we would have this bill passed by Christmas last year and proclaimed. But here we are after committee hearings, finally getting the opportunity to at least bring the bill forward into the House after first reading. It's important that we talk about what happened at committee.

There are a lot of different angles that people come from on this particular piece of legislation. I wanted to follow up on what the previous Minister of Community Safety had said. He introduced a notice of motion in this House on December 11, 2003, shortly after the Liberals were elected. I want to read Mr. Runciman's motion. It says:

"That, in the opinion of this House, the government of Ontario should introduce legislation to require hospitals and physicians to report gunshot wounds and knife injuries to the local police service."

That was filed on December 11, 2003. This is a point that—although I've said it in the House, and said it even today, and the doctor mentioned earlier that he thanked us for supporting this community safety bill—it's really only half the bill that I want to support. I actually wanted to include knife injuries as part of that legislation. The reason for that is—and we can talk a lot in our time today about gunshot wounds etc.—about 85% of injuries that come forward as a result of violence are knife injuries, not gunshot wounds. What we're saying in this House is that someone could be cleaning a firearm and the gun could accidentally go off and injure the person. Under the

proposal by this government, they would have to have that wound reported. However, if someone had a knife wound, or five or six stab wounds, they wouldn't have to report that. That's the way it is right now. We just couldn't understand why we wouldn't carry forward with that, and a number of people I've talked to have as well.

I wanted to read the amendments, because in this era of democratic renewal, I thought we were going to listen to the opinions of everybody, all the members of the House and, in particular, members of the committee, when we come to amendments. The government made a few amendments. It's amazing that all the government amendments passed. Section 1, the first government motion:

"Definition

"(1) In this act,

"'facility' means:

"(a) a hospital, as defined in the Public Hospitals Act,

"(b) an organization or institution that provides health care services and belongs to a prescribed class,

"(c) if a regulation is made under clause 5(a.1), a clinic that provides health care services, or

"(d) if a regulation is made under clause 5(a.2), a medical doctor's office."

That's a government motion, and that was passed immediately. Not all of us supported all the amendments by the government, but I supported that one as well.

Then there was a PC motion, under the amendments. It was moved by myself on subsection 2(1) of the bill:

"I move that subsection 2(1) of the bill be struck out and the following substituted:

"Mandatory disclosure of gunshot wounds and knife injuries

"(1) Every facility that treats a person for a gunshot wound or a knife injury shall disclose to the local municipal or regional police force or the local Ontario Provincial Police detachment the fact that a person is being treated for a gunshot wound or knife injury, the person's name, if known, and the name and location of the facility.

"Exception for knife injuries that are obviously self-inflicted

"(1.1) Subsection (1) does not apply if the person treating the person for a knife injury is of the opinion that the knife injury was obviously self-inflicted."

That's the motion that I made in committee. I thought that we would get a positive response from the government on that. They voted that down. They went on to add a couple of other government motions. There was government motion 2 and government motion 3. I think they had a total of five government motions.

I want to read into the record the other amendments I made in the committee, because I felt it was important that they be put on the record here in Hansard in second reading debate as well.

"I move that section 7 of the bill be struck out and the following substituted:

"Short title

"7. The short title of this act is the Mandatory Gunshot Wounds and Knife Injuries Reporting Act, 2005."

Under the preamble:

"I move that the preamble of the bill be struck out and the following substituted:

"The people of Ontario recognize that weapons such as guns and knives pose serious risks to public safety and that mandatory reporting of gunshot wounds and knife injuries will enable police to take immediate steps to prevent further violence, injury or death."

These were ruled out of order because the first motion was turned down. However, these are motions that were presented to the committee and were not allowed to be brought forward.

I wanted to amend the long title of the bill too. It was also turned down.

"I move that the long title of the bill be struck out and the following substituted:

"An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds and knife injuries."

That would be the long title of the bill. Again, knife injuries were not allowed to be included. Those are the amendments we made.

1600

There were a number of deputations. Some of the people who presented to the justice committee actually brought up some of their concerns, and we talked to a few of the presenters who actually supported the idea of knife injuries as well being included in the legislation. But I want to point out and I want to thank the local newspaper in my riding of Simcoe North, the *Midland Mirror*—I want to read the editorial into the record. The title is "What We Think: Report Knife Wounds."

"While he is not cut to the quick over the McGuinty government's refusal to add steel to the reporting of knife wounds, Simcoe North MPP Garfield Dunlop remains disappointed.

"He should be. His request for an amendment to Bill 110, which requires hospitals to report gunshot wounds, to include the reporting of knife wounds would strike many as being simple common sense. After all, some knife-inflicted wounds can be as serious as gunshot wounds, and are, in fact, much more prevalent. Knives, says Dunlop, are often favoured by criminals, because they are easier to obtain than guns. Reporting knife wounds as well as gun wounds 'would make the bill more all-encompassing and avoid giving criminals a loophole in this legislation.'

"Currently, reporting of any gunshot wound, whether it be an accident, hunting mishap or an intended assault, is mandatory. Why not the knife wounds?" Of course, it's really not mandatory, because we're going through the legislation here. "One would presume that medical staff attending a victim of a suspicious knife wound would report such to police. But, again, why not make it mandatory? According to Dunlop, 80% of criminal wounds are from knives. The reporting of them makes such sense it's surprising there is any debate at all. Dunlop says he will take another stab at it later. We'd encourage him to do so."

One of the main reasons I'm standing here today debating this legislation is that I do think we made a mistake when the committee did not listen to the suggestions we made and report these knife wounds, because I think it's just a matter of, if the gunshot wound bill is in fact successful here in the province of Ontario, I think the general public will want to proceed to the next step, which would make reporting of knife wounds mandatory as well. So I'd like to think that we had made a fairly positive step in at least asking for those amendments. I'm disappointed, as I said earlier; I thought there would have been more debate around those and that we would have had an opportunity to look at seeing those passed into law as well, especially when the government is promoting the fact that they want change and democratic renewal and not to have such partisanship in most of the committee hearings.

So far, we haven't really seen a lot of amendments by either of the political opposition parties, the Progressive Conservative Party or the New Democratic Party, brought forward in any bill. However, it is important to note that at least we are now finally debating two bills in the House. We're talking about a government that brags about its commitment to community safety and law and order, and here we are, over 18 months after their election, and we have not seen any legislation passed. We've seen three community safety bills actually introduced in this House; we're debating two now, and we'll debate another one tonight and possibly, I hope, we'll get the marijuana grow-op bill into committee. We have some very positive amendments to that legislation as well, and I'm hoping that the government will listen to the amendments and make it a more complete and all-encompassing bill, as we would expect a government to.

There are a number of things we can actually talk about here today that I'd like to add to the list. I wanted to say that we can bring out these bills on grow-ops, we can bring out these bills on mandatory reporting of gunshot wounds and possibly knife wounds, but what's important is the resources that the police officers have to work with. If we can fight gun control, if we can control the criminals who have the guns, who may or may not be reporting these anyhow, or may not even be taking them to a hospital—I think to do that the police would require more resources. It might be handy to have a doctor bring forward a report that said he treated someone who had a gunshot wound.

However, I go back to my original commitment to the community's safety from our political party, and that's that this government, the Dalton McGuinty government, promised 1,000 new police officers in the province of Ontario. That was part of the election platform. The Premier made an announcement on October 24, 2004, that they would commit to 1,000 new police officers in Ontario.

Well, we've lost the first year. The first year is gone completely. We've lost two full years now—18 months. The first commitment ended on March 31, 2004. We didn't see any new police officers hired in that time.

That's the time they cancelled the helicopters etc. Second of all, we've now gone a full year after that, which ended a week and a half ago, 2004-05, and again no announcements. What we're seeing now, from our side of the House, is that we're getting a lot of letters in from some of our police services and police services boards who are wanting to make a commitment to hiring more police officers, and they're asking questions.

The member from Oak Ridges, Mr. Klees, in the last few days, as we see some correspondence from the Regional Municipality of York Police Services Board—and I thank the member from Oak Ridges for bringing this forward to me—asked me to read into the record the letter he received from the police services board, because he's looking for some answers. The member from Oak Ridges has a strong commitment to community safety. He would like to see this letter answered.

This letter is addressed to the Honourable Monte Kwinter, written on March 30, 2005. It reads, "On behalf of the Regional Municipality of York Police Services Board, I wish to outline our requirements with respect to the '1,000 new officers' that you are considering to provide to police services on a cost-shared basis."

I want to stop right there for a second. This municipality is willing to go along on a cost-shared basis. I didn't see any cost sharing in the Liberal platform in the 2003 election. It didn't mention anything about cost sharing. It mentioned, "We will put 1,000 new police officers on the street." That's why, when the Premier brings out a total of \$30 million for 1,000 new police officers, the math doesn't work. Obviously, the minister and the Premier are considering a cost-shared basis. The Liberal platform did not include cost sharing, the way I read it anyhow.

It goes on to say, "It is the position of our board that the previous 50-50 cost sharing partnership between the province and the municipality to enhance community safety and increase police visibility remains an acceptable and responsible funding arrangement that should continue."

If I can stop there again, what he's saying there is that the 1,000 new police officers that the previous government put on the street were on a 50-50 cost-sharing basis. They would be prepared to follow along in line with that. So they were not prepared to look at the province putting in 100% of the money. They were, in fact, now looking at a 50-50 cost sharing basis as well.

"Furthermore, our board wants to separate the costs associated with the provision of court security from those related to front-line policing. In York region, we have civilians and/or special constables in positions for which they are best suited and allowed under the Police Services Act.

"In determining our staffing needs during our recent 2005 budget process, the board anticipated a \$30,000 provincial grant per officer for 18 new front-line officers to provide increased patrols on the streets of York region. The board, Chief La Barge and our citizens are counting on the delivery of that provincial grant."

1610

What they're saying is that they want the money. They want to know when some money is coming forward. That's what they're saying in this letter.

"The need for more police officers for front-line policing was adequately demonstrated to our board. York region has had the fastest growth rate in the greater Toronto area in the last five years and continues to grow significantly in population each year. Furthermore, our citizens are calling for more police officers to patrol their communities. York Regional Police must increase the number of uniformed officers to ensure that the quality of policing remains high and consistent with public expectations of service delivery.

"The provincial government announced that it would hire 1,000 new officers, raising the expectations of citizens, boards and police services. As our 2005 budget contemplated provincial funding support consistent with the government's announcement, our board requests that you review our staffing needs and advise us of your funding decision as soon as possible."

This letter is at the very end of the year. York region is trying to set their budget for this year, as this letter has said. I didn't say that the letter came under the signature of David Barrow, chair of the police services board for York region. I want to add that and thank Mr. Barrow for his letter, and thank Mr. Klees, the member from Oak Ridges, for bringing forward that letter to me, because we think it should be read into the record. That is a very important piece of information, as far as we're concerned. Now there are a number of letters, and we will continue to read those letters into the record over the next few days, because it's important.

The citizens of Ontario need to know that both political parties made a commitment to 1,000 new police officers, and it simply doesn't cut it to bring out laws on mandatory reporting of gunshot wounds and the marijuana grow-op legislation without allowing the police services boards in our province and the police services themselves the money they need to carry out their jobs. I think we've seen a dramatic increase in the number of citizens in the GTA. They need to know about the 1,000 police officers this government promised, both in the previous election campaign and on October 24, when the Premier went out and met with the Ontario Association of Chiefs of Police just outside of Markham and made that commitment again. I said earlier that we haven't seen one of those officers hired today. Yet it doesn't matter what day you read the paper or hear any of the media clips, you'll understand that gang violence has increased and gunshot wounds are occurring more often. I guess if we had mandatory reporting of knife wounds, we'd need even more than 1,000 police officers.

What's important from our perspective is that this government not break that promise. As critic for community safety, I'm almost sick and tired of saying, "What about the 1,000 new police officers?" I keep bringing it up for my caucus members, and they keep asking me, "Garfield, when's Mr. Kwinter going to bring

out the 1,000 new police officers? We thought he made a promise on that,” and then I’ve got to go back to caucus and apologize to them, on behalf of the minister, that there have been no new police officers hired. Then I go to all these police receptions with the OPPA, the PAO and the OACP, and they keep asking me, “When are the new police officers coming?” Again, on behalf of the minister, I have to apologize that we don’t have any of the 1,000 new police officers hired. I keep doing that; I’m a good guy that way.

I like Minister Kwinter. I think he’s a nice and certainly, very honourable person. But it must be very difficult for him to keep going to cabinet week after week and asking, on my behalf and on behalf of all these other folks like the OPPA, the PAO and the OACP, “Where are the 1,000 police officers?” They’re just not there; we just don’t have them.

How do we send a message? We have a budget coming down, and surely in that budget there will be an announcement of 1,000 police officers; we know that’s going to be in there. He’s got to put something in about community safety. There was nothing about community safety in the last budget. In this budget we expect something because we’ve brought it up again and again. But what’s important is that we have to know that they’ll be hired. We have to know that the money will flow, and that it will be put in the budget this year to hire 1,000 new police officers. Let’s get a time frame, because only a week ago the minister said that in this term he would hire 1,000 new police officers; he’d flow that money. But time is starting to run out. We’re down to 29 months and we haven’t had one of those 1,000 new police officers. So I need something to talk about in this House when it comes to asking questions, because I’ve asked the question so many times that people give up. They say, “Well, he’s not hiring 1,000 new police officers. It’s not going to happen. It’s another broken promise.”

The job we have here today is to talk continually about law-and-order issues, but the key issue, when it’s all summed up, is that police need the resources to work with. They need to have additional help. Some of these problems are growing. Who would have thought, even two years ago, that the grow-op issue would be such a big issue as it has become? Of course, there are other issues as well that we can deal with that we would expect the minister to come forward with.

However, when it comes to legislation, community safety is about more than just police officers. We’ve talked a little bit here in this House about some of the grants the government gave out for fire departments. I acknowledge that they were good grants for training and equipment, and I thank the government for the help they gave some of the municipalities in my riding. I was trying to count the other day just how many fire stations we have in my riding. It’s somewhere over 30 fire stations, and any help is always helpful to the fire services.

But I wanted to talk for a second about a couple of issues that I consider to be very important in my riding that are tied into community safety, not necessarily

mandatory reporting of gunshot wounds but just general community safety.

On the weekend, we had a meeting up in my riding of Simcoe North, in the city of Orillia. The meeting was put on by an organization called the Huronia Helpers. The Huronia Helpers are the parents, family members and friends of the residents who reside at the Huronia Regional Centre in the city of Orillia. As I’ve said a few times in this House—and I’ll continue to say it—the Huronia Regional Centre employs approximately 680 people in the city of Orillia.

Hon. Steve Peters (Minister of Agriculture and Food): This is not about public safety.

Mr. Dunlop: I’m getting around to community safety, because it’s very important that this be put on the record.

There are 340 residents still staying at the Huronia Regional Centre. Many of the residents are elderly, frail and very, very severely challenged. The Minister of Community and Social Services has made an announcement that this centre will be phased out over the next three and a half years, so that it would be completely closed by March 2009. It has a lot of people extremely concerned about the future of their loved ones and about the future of the jobs that are lost in this community.

As I said, the Huronia Regional Centre employs about 680 people, and the payroll makes a contribution of about \$29 million to the city of Orillia and area. On behalf of family members, the Huronia Helpers and the residents, I’m asking the government to please reconsider this decision and the way it was brought forward.

The Deputy Speaker: Member for Simcoe North, standing order 22 does indicate that the Speaker must draw to your attention if you’re not speaking to the issue at hand. I do wish you would bring it back toward the gunshot wound area, please.

Mr. Dunlop: Thank you very much, Mr. Speaker. It’s going to be a little difficult to do that, because I thought it was a community safety bill and I was trying to—

The Deputy Speaker: I really don’t want to get into too much of a discussion, but the motion before the House refers to the “disclosure of information to police respecting persons being treated for gunshot wounds.”

1620

Mr. Dunlop: OK. I guess, in other words, we don’t want to hear about the loss of 680 jobs.

The Deputy Speaker: Member for Simcoe North, it’s not what we want to hear about; it’s what the standing orders say. I’m merely enforcing the standing orders.

Mr. Dunlop: Well, I’m disappointed in how you interpret the standing order in that particular.

Mr. Speaker, on a point of order, if I could bring this forward: When we ask a question in this House, seldom is there ever an answer to the question we ask. Does the standing order not refer to that as well?

The Deputy Speaker: That’s not a point of order. I’m just saying, standing order 22 requires the Speaker to bring to your attention if you wander off the subject of the debate. Please, member for Simcoe North.

Mr. Dunlop: I appreciate what you're trying to say here. Back to the mandatory reporting of gunshot wounds, I've said earlier that I think we've only got half a bill here, as it is. I guess what we're trying to say is that everything this government does is about halfway there. We get half of a marijuana grow-op bill. We get half of a mandatory reporting of gunshot wounds bill, because they didn't include knife wounds and they don't listen to their commitment to hire 1,000 new police officers. The 1,000 new police officers would probably fit into the mandatory reporting bill—I'm hoping they would, at least—because I would think that the doctors would have to report those gunshot wounds to police. Is that not right? I would expect that they would be reported to the police. Or would they report them to Dalton McGuinty or Monte Kwinter? Who knows? Maybe Warren Kinsella's the guy who's going to listen to the mandatory reporting of gunshot wounds now.

Interjection.

Mr. Dunlop: You can laugh at Mr. Kormos all you want, but he's going to have some extremely good points to bring forward on this bill as well in his opening statement.

I go back to the fact that this government, over and over again, made a commitment on a number of promises during the election of 2003, and many of those promises have been broken. I don't want you to break your promise on the 1,000 new police officers. In the election platform of the Liberal Party, I didn't read anything about how they would bring in legislation on the mandatory reporting of gunshot wounds. I didn't read anything about this government bringing in a bill on marijuana grow operations. But I do remember what was in the community safety portion of the platform: They promised 1,000 new police officers. The government has not come forward with that commitment.

My job as critic for community safety—I hope it's part of my job—is to make sure I support the Ontario Provincial Police Association, the Police Association of Ontario and the Ontario Association of Chiefs of Police, and to try to hold the government accountable to one of their election promises; that is, hiring these police officers. If all of these areas are growing in size, like the requirement for mandatory reporting and grow operations, we need resources available to the police officers. They can't be out patrolling the rivers and waterways, they can't be out patrolling the highways and doing all the different things that police officers are required to do if you keep adding legislation that makes their job more difficult. We need additional help, and my job, as I said earlier, is to try to ask the government to bring that forward.

I expect that to happen in the spring election. Both times, they made announcements to the Ontario Association of Chiefs of Police; one was at the conference last year in Windsor. They were mad at the time. Mr. Kwinter went down and, two days before the conference, we brought in the legislation, right here in this House, this bill today. Nine months later, we're finally getting it back into the House to debate.

He made that announcement at that time and brought in that legislation, just to try to keep his chiefs of police happy. He probably did, to a certain extent. But at the same time, in the backs of the minds of the chiefs of police, they're wondering, "Where are the 1,000 new police officers?" We haven't seen those.

The second time, when Mr. McGuinty finally entered the fray on the 1,000 new police officers, was at their fall conference last October—October 24th, to be exact—when Mr. McGuinty mentioned that he would put in \$30 million and hire those 1,000 new police officers. Of course, he did a special announcement at the conference. That's now over six months ago and again we've got letters from chiefs of police, from police services boards and from the general public asking why we have not made that commitment and where the 1,000 new police officers are.

I keep repeating myself over and over again on this issue. We'll have to keep bringing it up in this House in question period, in statements and in debate period. I'm someone who believes very strongly in a community-safety-based system. I think it's very important that community safety be held as a top priority for any government. I think it's part of my job and part of my leader John Tory's job to make sure the government actually makes a commitment to hiring those 1,000 new police officers. I'd be extremely disappointed if we got to the point where, by October 2007, there were no new police officers hired. It looks like that's the direction we're going in, although I wouldn't be surprised if, in order to combat the marijuana grow-ops, pass this legislation and maybe do a little bit with the private securities act bill, they might make an announcement of a lot of them, maybe about May or June 2007. That way they'd look like they were actually doing something. Again, we have to leave it up to the government to actually commit to that.

I don't see any money being spent in community safety. That's the problem I've got here: There are no dollars being spent. This bill doesn't really cost a lot of money. I don't see where the mandatory reporting of gunshots costs a tremendous amount of money to the government. They make it look warm and cuddly, as if they're actually doing something powerful and, at the same time, we're falling behind in community safety as a result of the neglect of the hiring of the 1,000 new police officers.

I wanted to talk more about community safety. I know you're not going to let me go back to the Huronia Regional Centre, which is a public safety issue in my riding. And I know you don't want me to talk about the site 41 landfill up in Tiny township, which is another community safety issue because it pollutes the drinking water of that particular area. So I won't go into those two topics that I had in my notes here to speak about.

But I do want to mention again how our party, under our leader, John Tory, is committed to community safety. When we become the government, as a member of this party I will be asking Mr. Tory to introduce legislation

that would add knife wounds to this particular piece of legislation. I think it would be valuable to the citizens of our province. And it would make one of the bills complete, because we don't see any really complete legislation in the government's bill so far.

The bill I brought forward, Bill 88, was the private security guards bill. I thought the government would just automatically adopt that bill, because it was perfect, but they adopted sort of a mini version of it. I guess we'll have to support it, but it's not really a bill. We'll have to correct all of those after 2007.

I haven't got a lot more to say today on this. We've made our point very clear. We will support this very vague bill, but I would have liked to see those amendments made that—

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): What amendments are those? Can we list those again?

Mr. Dunlop: I hear some heckling from my own caucus here. They were talking about the four amendments we'd made to include knife wounds in Bill 110. But the government, under their strong—what's it called?—democratic renewal program, refused to listen to the member from Simcoe North or the Progressive Conservative caucus.

I look forward to the debate in this House. I don't know how long it will be carried on. However, we have had committee hearings. I don't know, after second reading debate, if we'll go back to any more amendments. Maybe there is a chance that if we bring this up enough times in our caucus, the mandatory reporting of knife wounds—

Mr. Yakabuski: Did you talk about the 1,000 police officers?

1630

Mr. Dunlop: I'm hoping that the members of our caucus will in fact talk about the 1,000 new police officers. It's so important and I can't emphasize this enough. The riding I represent is home to the Ontario Provincial Police. The OPPA has their head office in Barrie.

I talk to police officers on a regular basis, I continually talk to them. Often in the conversation we bring up the fact that police are asked on a day-to-day basis to do more and more with less resources. They've become fairly high-tech with a lot of the equipment they have. For example, we now know that some of the police services have helicopters and expensive equipment on the helicopters that help fight for community safety, and that may tie into the mandatory reporting of gunshot wounds as well.

I've been passed a note here. Thank you very much.

I wanted to go back for just a moment to my original comments on this bill in the House, back on June 23, 2004. I see the member for Sarnia–Lambton is over there heckling me right now. Again, whenever I talk to the member for Sarnia–Lambton, we always end up talking about Mike Weir. Everybody give Mike a thumbs up for yesterday. He did a great job again at the Masters. We're so proud of Mike Weir in this House—

Interjections.

Mr. Dunlop: Exactly. So we're very proud that we had this. Yesterday was an important day. The Masters Tournament always brings out the beginning of spring. Mike Weir did a wonderful job; I think he shot a minus 4 and was four or five strokes behind Tiger Woods. It was a great contest. I wish I could have seen some of it, but I just saw a replay in the evening. I wanted to congratulate Mr. Weir on that.

Back to community safety for a moment, because it's important we deal with community safety in this House when we're supposed to be adding 1,000 new police officers. As I said a few minutes ago, I hope my caucus members will concentrate on this in their Q&As as well as in their 10- and 20-minute rotation comments: I think it's important that the citizens of this province who support community safety know where this party stands on that. It's important that we provide those police officers to the different police services of the province.

I want to go back just for a moment and read into the record what I said in the House earlier this year. It's on the reporting of gunshot wounds:

"I'm pleased to rise today to be able to make a few comments on the introduction of the bill by the Minister of Community Safety and Correctional Services. I believe that is the minister's first bill introduced in this House, and at the onset I'll tell you that we will be supporting this piece of legislation." Again, I mentioned that. "It follows quite clearly on the fact that our House leader, Mr. Runciman, introduced a notice of motion on December 11 that says, 'That in the opinion of this House, the government of Ontario should introduce legislation to require hospitals and physicians to report gunshot wounds and knife injuries to their local police service.'" Mr. Runciman filed that on December 11, 2003, as I had mentioned earlier.

"As the critic for community safety and correctional services, I've met with a number of our stakeholders, some of those mentioned by the minister. Since the beginning of the year, the Ontario Medical Association and the Ontario Association of Chiefs of Police and basically all the stakeholders I've talked to have very much supported this legislation. It has been led by the fact that here in the province we've had some gun-related crimes this year, more serious than a lot of years, and it has come to the forefront. I think it's time this bill was passed.

"In my opinion, it's unfortunate that we didn't introduce it a little earlier. It would have been nice to see this bill passed into law as soon as possible. The way we're going now, when we come back for the fall session I don't think we'll see it proclaimed until probably around November 1 at the earliest, which is a full year after this government took office.

"This bill also brings something else to our attention, and that's the fact that following a disastrous budget, following the fact that police officers in this province were promised by the McGuinty government to have 1,000 new people added to their ranks, the government

failed them both in the throne speech and in the recent budget. What's cute about this and what's kind of warm and cozy is that this bill is introduced two days before the Ontario Association of Chiefs of Police annual conference in Windsor, which is next week. The minister has got to talk about something very positive at that conference. He can't talk about the 1,000 new police officers that you promised, because that doesn't exist, so this bill will be the topic of conversation. I applaud him for some good political moves in that area.

"We will be supporting this bill. It's high time that it was put into legislation. I appreciate this opportunity to respond to this today."

I made those comments last June, as I said earlier, and I just wanted to point out that, again, I referred to the 1,000 police officers in it, and I referred to the fact that he had done it at an Ontario Association of Chiefs of Police conference. Again, what's disappointing about it is that we brought it forward—I thought the bill would have been passed by now, and here we are just getting into second-reading debate, the very first day of it. I don't know how long the three House leaders expect to have this bill continue on or have debate continue, but it is important, I think, that we get something passed in regard to community safety fairly soon.

Those are my comments today. I did want to thank you for allowing me to make these few comments. It's not always easy, on a bill that's very vague, to do a one-hour leadoff, but I thought I did a lot of—

Mr. Yakabuski: Will we be proposing amendments to this bill?

Mr. Dunlop: I'm hearing some noise. I think what I'm hearing here right now are some comments being made in the background, and people are wondering if this bill will go back to committee after second reading. I think if the points are made in this House, that are made very clear, that we should be going to committee after second reading and maybe adopting some of our recommendations—

Interjections.

Mr. Dunlop: Yes. So I'm hoping that can actually happen, and maybe we will or we won't. Who knows?

I'll be discussing this with my caucus, and we'll see how the debate goes. Maybe the minister would like to make some amendments at this point.

Mr. Kormos: What amendments do you want to make?

Mr. Dunlop: Again, in the background I'm hearing, what amendments would I make. I wanted to follow the pattern that Mr. Runciman had made, and that's to have the bill include knife injuries. I think it's important. I can say it over and over again.

Mr. Kormos: Baseball bat injuries?

Mr. Dunlop: Well, no, we're not going to get into all the different types of injuries that might happen besides knife injuries, but I thought, because the two major weapons that we have in violent injuries are gunshot wounds and knife injuries, the bill would be more all-encompassing if we included the two of them.

With that, I am going to sit down, and thank you very much for this opportunity today to do the leadoff for our caucus on this community safety bill. I look forward to further debate.

The Deputy Speaker: Questions and comments?

Mr. Kormos: I want folks to know that if the member from Simcoe North had wanted to speak for the full hour, he could have, standing on his head, that it would have been no problem whatsoever, because Mr. Dunlop knows this issue inside out. I know that. I heard him at committee.

I am just flabbergasted, though, to see the member from Simcoe North, the correction and Solicitor General critic for his party, supporting such a weak-kneed Liberal bill that does nothing to enhance law and order, that does nothing to enhance public safety, public security. I thought that we could always count on the Conservatives to stand up for law-abiding citizens, and here we go, we've got Conservatives in bed with the Liberals. We know that the Liberals are soft on crime. Any Tory will tell you that any chance he or she has. Stephen Harper will say that about the federal Liberals, and he'll say it more and more frequently now as he is given the opportunity. Boy, those guys are revving up into pre-election mode. It is amazing. My federal counterpart was actually out there this weekend. He was at every event I was at. He was schmoozing, he was shaking hands, he was kissing babies, he was kissing their moms and their grandmothers. Gosh, I figure he's in pre-election mode.

1640

I want to congratulate the member for Simcoe North for his effort. I suspect that maybe his support for this bill is so unenthusiastic that he couldn't bring himself to use the whole hour. Maybe he has been forced by his caucus into adopting this position. Because I've never known the member from Simcoe North to be so eager to crawl in bed with the Liberals. I say to you, in his defence, that somebody made him do it.

Mr. Dave Levac (Brant): I'm just kind of curious to correct some of the record. I did listen very carefully, and I will continue to do so.

The member from Simcoe North made reference to having the 1,000 police officers in place as soon as possible, and he's very concerned that it has not been done when we said it would be done inside this mandate. He went on to say further that without the 1,000 cops, it would be impossible for them to do more work. Then he turned around and said, "But we want to add more work for them anyway, because we want to include knife wounds." So it's pretty hard for us to understand why, in one breath, he's saying, "We don't want to overburden the cops, but now we want to give them some more work to do." Yet when the minister explained clearly why—it was the consultation process that invited us to that. Because you would add stabbing and slashing. Not only knives would be included in this, but you'd have to talk about glass and metal and garden tools and anything else that could create a stab wound or a slash wound, which would take away from time on task for the health care

providers. So he wants to have it on this side and he also wants to have it on that side.

The difficulty I have with that is having an understanding that this was a general consensus from all the stakeholders. Let's take a look at them. We got support for this bill from the Ontario Medical Association, which was not obtained the last time in the very version that the member is referring to; we got it from the Ontario Association of Chiefs of Police; the Ontario Association of Police Services Boards—*whoa*; the Ontario Provincial Police; and the Police Association of Ontario—the very members that this member is claiming are scrambling for the 1,000 police officers. They're very supportive of the legislation we're actually speaking about tonight. So we want to talk about the hearings.

He also said that nobody accepted the amendments. The problem was he tied all of the other amendments that he presented to the one feature about knives. So once the knives feature was removed, it eliminated all the other amendments. That's just a logical progression of what the member doesn't want to let anybody else know.

One of the other things he said was that the police services board cancelled the helicopters. What happened there was that the pilot finished.

Ms. Andrea Horwath (Hamilton East): It's my pleasure to enter the debate and make a few comments on the leadoff speech of the member for Simcoe North.

I have to say it's interesting, so far, that the debate on this particular bill has centred around a number of different issues.

I can recall some of the Liberal members talking earlier this afternoon about how this bill is going to strengthen communities.

I know Mr. Dunlop from Simcoe North talked a lot about the broken promise—well, the quasi-broken promise, I guess—around the 1,000 police officers, in that they were promised and then there was a halfway reneging, because, lo and behold, when the communities wanted to take advantage of that offer, they found out that the offer was really only half an offer. Certainly, that has been a big concern of Mr. Dunlop, from Simcoe North, as well as other members of his caucus and my caucus.

I really would put that if the government was interested in strengthening communities, they'd be looking at a number of other initiatives besides simply this particular reporting bill.

They'd be looking at the fact that we're losing jobs all over southern Ontario. Certainly, my community recently reported massive job losses in the manufacturing sector. I don't see the government doing anything about that. In fact, the very people who will be reporting the gunshot wounds in the hospitals in my community are complaining and are very, very concerned about the long waiting list for cardiac care, particularly.

We don't have any real solid child care announcements coming from this government—again, something that would strengthen our communities. We have some serious problems with child poverty, and poverty overall,

in our community. That's something that, if it was addressed, would strengthen our communities.

So I would put that although this bill is about reporting of gunshot wounds, the government could do a heck of a lot more to really strengthen communities across the province—including the community that I come from—not the least of which is to make good on their promise of 1,000 police officers for the province.

Ms. Caroline Di Cocco (Sarnia-Lambton): I'm pleased to respond to the comments made by the member from Simcoe North. I wonder, for the people who are watching this channel, if they listen to the discussions and they see that the bill is about gunshot wounds, and then they hear discussion about so many other topics—including child care, which I understand just came up now. I wonder what the public thinks about any substantive debate when we tend to have this habit of just going off in any direction rather than speaking about this new legislation.

Today in Ontario, we do not have to report gunshot wounds. Does this bill change that? Yes, it does change that. Maybe we don't have the answer to everything. On the other hand, this is a very realistic step to improve safety in this province. Are we going to report gunshot wounds now, when this bill passes? Yes, we will. I think that's the crux of the debate. Is it good policy? Yes, it is. It's good policy because we have a very specific action item that we're going to take on this.

We can sit here and speak about everything else globally, but the issue is a bill that means that now, for the first time in the province of Ontario, we're going to be reporting gunshot wounds when they occur. That makes for a safer Ontario.

The Deputy Speaker: Member for Simcoe North, you have two minutes to reply.

Mr. Dunlop: I'd like to thank all the speakers—the members from Brant, Hamilton East, Niagara Centre and Sarnia-Lambton—for their comments on my leadoff speech.

I want to begin by saying that I felt that the tone of my leadoff speech was basically not having 1,000 police officers. You promised 1,000 police officers in your platform; you didn't promise mandatory reporting of gunshot wounds. You promised 1,000 police officers; you didn't promise deputizing building inspectors and hydro inspectors. You didn't do that with the marijuana grow-op bill. You promised 1,000 new police officers.

My job as the critic is to hold you accountable. We promised, in the previous government, a helicopter for the Toronto Police Service. You cancelled that. It's gone. That was in the budget. You talked about the budget but you didn't fulfill it.

I'm going to say this: I'd like the government, I'd like Minister Kwinter's office, the Premier or anybody on that side of the House, to bring me a letter from the Ontario Association of Chiefs of Police, the Police Association of Ontario, the Ontario Medical Association or the OPPA and ask them what they'd rather have: 1,000 new police

officers or mandatory reporting of gunshot wounds. Ask them. I'd like to know that.

They bring in these things that they didn't promise, and they have not made a commitment to the commitments that they made in the platform. We don't want a broken promise again on this. My job as critic is to hold the government accountable, and I want the 1,000 new police officers in uniform by the fall of 2007. That's my job as critic for John Tory. If you don't do it now, we're going to have to do it when we get elected in 2007, plain and simple as that. Thank you for this opportunity today.

1650

The Deputy Speaker: Further debate?

Mr. Kormos: It is a pleasure to participate in this debate on Bill 110, colloquially referred to as the mandatory reporting of gunshot wounds bill. I'm going to tell you, in response to the comments made just a few minutes ago, and I suppose others, the member for Sarnia-Lambton, who says that this changes the law, that until this bill becomes law, there isn't a requirement to report gunshot wounds and once, if and when, I suppose, this bill becomes law, but, wink, wink, nudge, nudge—majority government. The member for Sarnia-Lambton says this bill will change the law. I say to her, no, it will not change the law one iota, and in the course of the next 58 minutes I'm going to tell you why.

Secondly, one of the pages went down to the legislative library just a few minutes ago to pull the Hansard of the Minister of Community Safety and Correctional Services on the occasion, June 23, 2004, of first reading of this bill, of the introduction of this bill. I wanted to see what the minister had to say because I, unlike others, intend to comply with the standing orders this afternoon.

The Deputy Speaker: Thank you, Mr. Kormos.

Mr. Kormos: I wanted to get the minister's statement because I wanted to know what the boundaries were. Were they very narrow, tiny boundaries, or were they huge, wide boundaries? Did the minister in his comments to the bill on first reading slam the door to a broader discussion around community safety, or did he swing it wide open? Well, I sent one of the pages—I asked one of the pages. I didn't send you; I asked you. These pages are as clever a group of pages as we've ever had. It's remarkable how quickly they've learned parliamentary procedure, how quickly they've learned their way around this building, how quickly they've learned to get down to the library and pull material, I'm sure not only for me but for any other number of members as well. That these are grade 7 and grade 8 students is truly amazing, that they have the skills they've demonstrated in the short time they've been here.

I note that the minister himself, when addressing this bill, speaks to it in the context of making Ontario communities safer. That's a pretty broad topic, isn't it, Speaker? Here it is, Hansard, June 23, 2004. The minister said this bill is about making Ontario communities safer. So we're going to talk about making Ontario communities safer. And by doing that, we're going to stay within the law, the standing orders.

OK. We dealt with that.

I also wanted to use this occasion, now that we're talking about gunshot wounds and the reporting of them, to pay tribute to one of North America's great writers and novelists. It's entirely appropriate, in the context of gunshot wounds, and gunshots in general, to pay tribute to Hunter S. Thompson, who, as you know, died tragically back in February of this year at his home in Woody Creek, Colorado, of a self-inflicted gunshot wound. It doesn't surprise anybody, because Hunter Thompson, a great writer, a great political observer—*Fear and Loathing: On the Campaign Trail '72*. I think I've read just about everything he's ever written, even stuff he put his name to that he probably hadn't written, or stuff he hadn't remembered writing. But I'm a big fan of Hunter S. Thompson. His obsession with mixing mescaline and cheap wine as well as his affection for guns, the stories of Thompson getting all jacked up on whatever his drug of choice was and running around his estate in Woody Creek, Colorado, shooting off firearms are legion. So I do, I take this occasion that we're discussing gunshot wounds to pay tribute to Hunter S. Thompson. I'm going to miss his work.

As I indicated in one of the little opportunities I had earlier, at first blush, I thought this is a relatively simple issue, reporting gunshot wounds. I wasn't displeased that the government sent it over to committee after first reading. I was a little disappointed in the paucity of participation by members of the public, but I suppose what we lacked in quantity we made up for in quality.

Look, I'm going to tell you right now that the room was divided. There were pros coming before the committee—that is pro-bill—and there were cons—the people who oppose the legislation.

Mr. Tim Hudak (Erie-Lincoln): Cons?

Mr. Kormos: Don't read stuff into this, Mr. Hudak.

Mr. Hudak: I thought it was a double entendre.

Mr. Kormos: I admit that there was a range of views expressed, and I readily admit that the first analysis of the bill that provoked my interest in the issue was the op-ed piece written by Clayton Ruby, a great civil libertarian lawyer, a good, outstanding legal mind and a person whose counsel I hold in regard. I think all of us should.

That was followed by concern expressed by a wide range of individuals and groups, including the Registered Nurses Association of Ontario and the Ontario Public Service Employees Union, who oppose the bill. I'll talk about those in a few minutes, along with others.

I was particularly interested—there was a written submission prepared by one Dr. David A. Cameron. I've since learned that Dr. Cameron is also now—I hope I've got this correct—a law student at Osgoode Hall Law School. So it's an interesting blend of professions here. Here's a gentleman, a medical doctor, now studying law, who sent written submissions, and it's for reasons that I'm going to explain in but a few minutes—they're brief, a page and a half—that I want them very much to appear on the record. Since they were written submissions, they don't form part of the Hansard record at the committee hearings, and my interest in reading them into this record

is both with respect to that and with respect to some concerns Dr. Cameron raised with me in writing once the committee hearings ended.

I should note that a young Niagaran is here this day, Kale Hat. I'm pleased he's been able to come up from the Niagara area. He's had a strong, active interest in partisan politics and political affairs. He just graduated from high school and is looking forward to attending university, where I'm sure he's going to do well. So I'm pleased that he is with us here today.

Dr. Cameron was one of the opponents of Bill 105. "How could anybody oppose this bill?" you ask. Why would anybody not want mandatory reporting of gunshot wounds, especially when the minister of public safety—

Mr. Qadri: The Minister of Community Safety and Correctional Services.

Mr. Kormos: —the Minister of Community Safety and Correctional Services, the Solicitor General—tells us, and I'm going to join others in saying as I had a chance to indicate last week, the regard I have for the minister. I've known him a long time in this Legislature and I have great regard and respect for him. We don't always agree, and he understands that, but I'll stop and listen to him any day.

So it's all about making Ontario communities safer, is it? Really, if it's about making Ontario communities safer, what would the problem be? Folks on Yonge Street yesterday didn't feel really safe, did they? Can you imagine? It was a beautiful, bright, sunny day. As a matter of fact, I don't know when Tim Hudak came into town, but I came in late in the afternoon.

Mr. Hudak: This morning.

Mr. Kormos: He came in early this morning. I came into town late yesterday afternoon—I wanted to avoid that horrible rush-hour drive—and I noticed Yonge Street was blocked off as I was trying to drive north on it. Then I read the papers this morning.

1700

I hope that folks don't think I'm being overly dramatic. How much more dramatic do you have to get? According to press reports, the streets were packed yesterday. It was a bright, sunny day, a beautiful spring day. Yonge Street is open on Sundays now. Sunday shopping: You wanted it; you got it.

HMV is apparently the location. That's the record store just down from Sam the Record Man. I'm a fan of Sam the Record Man because I just like the Sniderman family mystique rather than a corporate store. But I confess that from time to time I've been in HMV too. I remember buying a Ramblin' Jack Elliott CD there just six or seven months ago. As a matter of fact, Ramblin' Jack Elliott was just at Hugh's Room over on Dundas Street West. He doesn't get to Toronto very often. The last time he was in Toronto I saw him down at the Horse-shoe Tavern. I bought a Ramblin' Jack Elliott CD down at HMV because Sam's didn't have it.

Yesterday on Yonge Street, in Toronto, gun shots were fired. Again—this is our fear about these things—it wasn't in some stigmatized community. Let's be fair:

The downtown Toronto types—and I don't want to be unfair to downtown Toronto types—always seem to think there are those neighbourhoods where the violence is contained. Well, I don't care where the violence is when people are getting shot at, when bullets are flying. The minister says that this bill is about improving community safety, and that's what we're talking about now. The community wasn't very safe, yet again, yesterday. To think that's the first time that gunshots have been fired in this city—look, it seems that once a week people are being put at risk because of, literally, stray bullets. Clearly, there isn't a safe spot in Toronto. We heard that one victim, who may or may not have known the gunmen, was shot, and then two more people who were, according to the press, the most innocent of innocent bystanders. That's scary stuff. There but for the grace of God nobody got killed, because people have been killed; we know that.

You make communities safer by getting those guns out of the hands of criminals. There are far too many guns out there on the street, illegal guns owned by people who have no intention of using them lawfully or carefully. In fact, as often as not they're young people, so we've got young people shooting people here in the city of Toronto. Do you want to make the community safer? Get rid of those guns, especially those handguns—those illegal handguns, those guns that clearly are being smuggled across the border in huge numbers—and get them out of the hands of criminals, and get them off the street.

With all due respect to the advocates of gun control, the gun registry does not achieve that goal, does it? I used to be a criminal lawyer a long time ago—that is to say, I represented people charged with criminal offences—and acted for a lot of people charged with a whole lot of bad things, using a lot of guns: bank robbers, corner store robbers and just people who used guns to shoot at and steal things from other people. I tell you the truth: Never, ever did I encounter a criminal who used a gun that was registered in his or her name. These people may be bad, and many of them aren't the brightest people in the world, but they're not that dumb. Never, ever did I act for a bank robber who, by the way, pointed out, let's say in mitigation of sentence, that I should tell the judge that at least he registered the gun before he went to the bank to rob it. As I said a few moments ago, I'll bet you dollars to doughnuts that the firearm used in yesterday's crime—just like firearms used week after week throughout the city; bet you dollars to doughnuts, or, as sure as God made little apples; how's that one?—that that firearm is not registered to the person who used it.

Is Bill 110 going to make our community safer? Getting those guns out of the hands of criminals will make it safer. We know that. Giving the police the tools to deal with the street gangs—where, I simplistically conclude, many of these guns travel through—may make our communities safer, but is Bill 110 going to make the communities safer? I fear not.

Look, persuade me. We're having a debate here. I know that Liberals are going to stand up, one after the

other, and speak for their 20 minutes at a time, and persuade us skeptics that Bill 110 ought to be passed rather than brushed aside in favour of more meaningful legislation.

What did we learn in committee? We had good submissions. Bruce Miller, the Police Association of Ontario—and again, a person for whom I've got a great deal of time and a person whose advice I hold in regard—but, with respect, I disagree with him and the Police Association of Ontario and their position endorsing Bill 110. I disagree because we didn't learn, we didn't hear of, we were not told of a single instance of an illegal wounding, never mind death, by a firearm that wasn't reported to the police, that the police didn't learn about.

When the minister stood up and announced this legislation, I thought, "My goodness, is there a problem? Are there victims of illegal gun use who aren't coming to the attention of the police?" Maybe there's a problem; I don't know. But we didn't learn of a single instance where the police failed to learn about a crime with a firearm in the current milieu, without Bill 110.

I encourage Liberals who speak to this bill to set me straight. Tell me; I'm all ears. I'm eager to be told about instances where a gun crime went undetected because you didn't have Bill 110.

I was intrigued by the Runciman-Dunlop position. Bob Runciman, former Solicitor General—and he is a law-and-order guy; make no mistake about it. The proposition: If you're going to report gunshot wounds, why not report knife wounds as well, because criminals, I guess, in the course of attacking other people, use knives.

I remember the time that Donny Beauchamp came back from Dunnville with all his teeth missing. He got hit by a baseball bat. It was back in the late 1960s. Donny came back, the whole upper and lower—broken off at the gum line. He got in a scrap in Dunnville and somebody took a baseball bat to him. We took him over to the Welland county general hospital, and at that point—it was 11 o'clock at night or so. All they did was load you up with Novocaine or whatever—painkillers. Ms. Horwath broke her arm; she knows what the painkillers are all about.

I don't want the mayor of Dunnville to call me up and say, "What are you saying about Dunnville?" This happened in the late 1960s, for Pete's sake. I'm sure Dunnville doesn't have any more barroom brawls.

1710

So why not report baseball bat attacks? Because, again, if the premise is that somehow people want to conceal the fact that they've been victims of a crime, presumably because their hands aren't clean in their own right, then we need reporting of knife wounds, of baseball bat wounds.

Mr. Yakabuski: What about tire irons?

Mr. Kormos: Mr. Yakabuski talks about tire irons. He's had a colourful youth in his own right. He brings up the tire-iron syndrome.

Interjection: He would know.

Mr. Kormos: I suppose.

The member from Brant raises the floodgates issue. He says you've got to draw the line. I expressed concern, because I spoke with people in the mental health field. I looked at the statistics, the data, and one of the largest single groups of gunshot wound victims is suicides and attempted suicides.

I thought well, OK, the last thing that a suicidal—because look, you call the police, and the police intervene as cops. Cops are not social workers, cops are not therapists; they're cops, as they should be. They conduct investigations that are focused on determining whether or not there has been a violation of the law and then collecting evidence to prove that in a courtroom, based on the standards that prevail at any given point in time. Police do police work. You shouldn't expect them to do anything else.

I spoke to mental health professionals and I asked them if they had a concern, because the bill doesn't say that a doctor/nurse/hospital/medical clinic shall report gunshot wounds that appear to be inflicted as a result of criminal activity; it says all gunshot wounds. I say that the last thing that a suicidal person needs—of course I'm talking about the ones who survive their self-inflicted gunshot—is a police investigation. They need mental health treatment. I don't think there's anybody in the chamber who would disagree with that proposition. The phenomenon of mental illness and even suicide is common enough, regrettably, that there's probably nobody in this chamber who doesn't have some personal experience with it, be it family, friends, neighbours or associates.

The argument could be, "Well, even in the case of an attempted suicide"—because that's what you would be dealing with—"we still want to determine whether it's a matter of guns that are improperly stored or cared for," a careless-storage-of-a-firearm sort of scenario. That could be an issue. "We want to determine whether the gun that this suicidal person used to try to kill themselves was a registered one or an unregistered one." I suppose so. But it seems to me that it's simply not good public health policy, when a person has attempted suicide, to be generating a police investigation, when what we presumably want is adequate medical intervention.

Then, of course, there's the accidental gunshot wound. This is, I suppose, more often than not, people cleaning their weapons and simply overlooking, very carelessly, the fact that it's loaded, there's a round in the chamber, etc. Well, no crime has been committed, and we've got scarce police resources; we know that. We've got real scarce police resources in this province. Cops are hard-pressed to do the work that they're called upon to do now; you know they are. They've got to prioritize, they've got to rank, they've got to do some pretty dramatic triage of their own when it comes to dispatch. If your car gets stolen, call the police, but don't expect police to come. If your house gets B&E'd, call the police, but don't expect the police to come. There's just not enough of them. It's not that they don't want to come; there's just not enough of them. They are pressed to the limit.

Then I was concerned about the somewhat more esoteric argument made to the effect that if hospitals are required to report gunshot wounds—because the minister was oh, so clear. Look at what he said on June 23, 2004, Hansard, page 3176: “If passed, the legislation would not make it mandatory for family physicians to report”—gunshot wounds—“to the police.” The minister said that. “If passed, the legislation would not”—no, it would not—“make it mandatory for family physicians to report”—gunshot wounds—“to the police.”

Look, if we're talking about gunshot wounds suffered by people whose hands aren't clean, who are—well, let's spit it out—let's say, drug dealers or criminals or gangsters, the John Gotti types, that would be their reason to not want to have the gunshot reported, because they're prepared to keep it within the family.

It's not going to be mandatory for family physicians to report it. What kind of pressure does that put on doctors' offices and their staff? If you've got some really mean, bad, actor-dude kind of gangster/drug-dealer person who gets shot, and the hospital has to report but the family physician doesn't, and he or she—but, for the sake of argument, “he”—doesn't want the police to learn about it, he's going to take his big, ugly gangster/criminal wounded body to the family physician's office. That puts an incredible pressure on that doctor and his or her staff in their family physician's office. So the argument was made that either everybody has to report or maybe nobody has to report.

The government was under a little bit of pressure and moved some amendments. The argument was with respect to the walk-in clinic places, because you just don't want to statistically overload those walk-in clinics with the bad criminal type of gunshot-wounded people—so walk-in clinics or doctors' offices. Did the government take the bull by the horns? No. The government amended the bill to say that, if regulation is made, a clinic that provides health care services, and, if regulation is made, a medical doctor's office—so we've still got a scenario. We've got a bill that doesn't require family physicians to report gunshot wounds, nor those walk-in health clinics. Then who is going to do the reporting? The Ontario Medical Association—and don't think for a minute there isn't a schism there around Bill 110, along with so many other things, as we well know—in its official presentation, thought this gunshot reporting was a pretty slick idea, but, oh, it shouldn't be doctors doing it.

Think about what's going to go on here. If you've got a criminal gunshot, where a crime has been committed—it's not a suicide, it's not an accidental “I shot myself in the foot while cleaning the hunting rifle,” a legal hunting rifle—have you ever been down to the provincial court in Mimico? It's a sausage factory. It's one of those warehousey provincial courts, packed to the rafters. You've got the accused, you've got the crown witnesses and you've got defence witnesses sitting beside each other, and the victim is across the hall. You know about that stuff; you've seen it so many times, haven't you, Sergeant-at-Arms? You've got the victim sitting there

and the criminal glaring at the victim, trying to gun him or her down and threaten them and intimidate them into not testifying or forgetting what happened. You've seen that far too often. You've got police climbing all over each other. You've got judges screwing around because they are misassigned courtrooms, because our courts are grossly understaffed. An incredibly high number of staff in our courts and the Attorney General ministry are still contract staff, even they've got 10, 15 years on the job. The place stinks like a locker room, because you walk through there and it gets pretty gamey. There's a hum by around 10:30 in the morning, because there's no heating, ventilating in the place. That's the state of justice here in the province of Ontario.

1720

The Askov and Melo cases: You're boom, boom, boom like this, right? You know, it took two years to prosecute this case. This one: tossed out. This one: drunk driving charges thrown out. Serious charges. Drunk driving charges tossed because of delays in the courts. You know that.

So which health professional wants to spend three days sitting in the Mimico courtroom hallway during a preliminary hearing when they've been subpoenaed by, let's say, the defence lawyer, huh? Fool me once, shame on you; fool me twice, shame on me, huh? It'll only take one of those experiences by a health professional from a hospital to report back to his or her colleagues and say, “No way. I'm not making that phone call. Doctor, you call the police.”

The Ontario Medical Association wants to have mandatory reporting of gunshot wounds. Let the doctor do it. Why should that nurse, already run ragged, him or her, by understaffing in our hospitals, have to sit in the corridors at Mimico courthouse for three days during a preliminary hearing, having a bunch of big, tough, gangster, biker, hood types glaring at him or her because they know they're a witness for the crown or their evidence is going to be contrary to the interest of their buddy, huh? Why should they be sitting? No, let the doctor do it. I don't think that's what the doctors had in mind, did they? They were going to delegate this responsibility.

I like doctors. Look, I know doctors. These are people, women and men, who work 100-hour weeks in their own right, and unless you're a specialist your hourly rate of pay really isn't that substantial.

Having said that, why shouldn't the doctor be there too? Because that begs the question about the level of reporting of gunshot wounds. I thought it was an interesting question. This bill purports to change the law. Well, what we learned in committee is that doctors and nurses are permitted and encouraged by their professional regulatory bodies to report gunshot wounds—or, quite frankly, any other—if they think that it's a matter of public safety. Whoa. What gives here? Fool me once, shame on you; fool me twice, shame on me. What's going on? I thought we were getting straight goods here.

So I go to this committee, because the impression is that, oh, no, there are all these gun crime victims flowing

through our hospital emergency rooms, and the police are never finding out about the crimes. Well, I'll be darned if the College of Physicians and Surgeons and the appropriate regulatory college for nurses don't have as part of their professional standards an obligation on the part of that professional when it's in the public safety to—in effect, it's an exemption from the relationship, the somewhat privileged relationship, between a health care provider and patient. Through all this, we weren't told of a single instance where the police were left unaware of a gun crime by virtue of non-reporting. So I thought that was interesting.

As we're going through the bill—and other speakers have mentioned that it's not a lengthy piece of legislation—what have we got here? We've got six sections. As we're going through the bill—and I have read carefully the section that says very specifically: "Every facility that treats a person for a gunshot wound shall disclose to the local municipal or regional police force or the local Ontario Provincial Police detachment the fact that a person is being treated for a gunshot wound, the person's name, if known, and the name and location of the facility." "Every facility." OK?

Mr. Ouellette: Facility.

Mr. Kormos: Precisely, Mr. Ouellette. It's not the doctor, no way, and I understand why. The doctors say, "No, I'm a doctor, my job is to treat people," and they do; they perform a very demanding service. But at the facility, it's going to be, "It looks like a gunshot wound. That's where it went in, that's where it went out. Nurse, call the police." Or maybe the administrative personnel at the intake, "No, you call the police. This looks like a gunfight at the OK Corral between drug dealers," for instance. But even more dramatically, there it is, section 2, "Every facility that treats ... shall..." but then I look at section 2, sections 3, 4, 5, 6, because when you've got a statutory obligation, there has to be a consequence for not complying with it; otherwise, it's merely advisory. Where is the penalty clause for a facility that doesn't report? There is none. I thought, by gosh, that this was an oversight, a clerical error, a misprint. Somebody left out page 4. So I said to the committee: "What's going on here? You're saying you're making mandatory reporting of gunshot wounds, but there's no consequence for not reporting." Lo and behold, that was the plan and design from the get-go. I'll be darned. What kind of silly charade is this? You don't have a right if you are given rights that don't have remedies, and you don't have an obligation if an obligation is imposed upon you without a consequence for not fulfilling the obligation.

This is a sham. I thought, why did the minister let himself be lured into making a public announcement about this improving community safety. Monte, Monte, Monte, why did you let them do that to you? It's not nice—he's a senior member of the Legislature—to send the minister out on a limb like that, write a speech for him telling him to say that this bill is going to improve community safety when there's nothing on the bill that makes it mandatory to report one of these gunshot wounds. This bill isn't worth the paper it's written on.

Dr. Cameron made written submissions, and as I told you at the outset of these comments, I wanted to put them on the record, so bear with me. There's a page and a half, but they don't appear in the Hansard of the committee because he submitted them in writing. Dr. Cameron is interesting because he's a doctor; he's now studying law. So he is looking at this from his own discipline as a medical doctor.

But before I get there, I should tell you that I thought maybe there was something in the standards of the College of Physicians and Surgeons that applied to doctors, or in the standards that applied to nurses that somehow forbade them, on the basis of client confidentiality, from reporting a gunshot wound. No, there isn't. As a matter of fact, the standard, as we are told, for nurses as well as for doctors, is that—

Interjection.

1730

Mr. Kormos: Yes, as a health professional. If they think public safety is at risk, they've got to call the police. It's only logical. Lawyers can't rely upon privilege to not do something if, let's say, a client says, "Oh, I'm going to go murder X, Y and Z, but since I told this to you as my lawyer, you're bound not to tell anybody." Lawyers can't hide behind—Mr. Zimmer, can a lawyer hide behind privilege when he has been made aware of a crime that's about to happen?

Mr. David Zimmer (Willowdale): I didn't hear your question.

Mr. Kormos: I'll repeat it. If a lawyer's client says, "I'm going to go out and murder somebody tomorrow," and names that person and where he or she is going to murder them, that lawyer isn't bound by privilege when a crime is to be committed, as compared to a crime that has been committed.

Interjection.

Mr. Kormos: Mr. Zimmer agrees. He said, "I agree," for the purpose of Hansard. Correct, Mr. Zimmer? Zimmer nods his head in the affirmative.

So you see, even a lawyer—because legal privilege has limits when it comes to public safety and public interest. I've learned that doctors and nurses—professionals—have that obligation and, similarly, the right to do it. They don't suffer any repercussions. Don't forget, it's just like unregistered firearms being in the possession of crooks and bad guys. This law says, "Call the police and name the person and the facility that he or she is in," but the cops can come there and that person can just say, "I'm not going to tell you nothing." That type of uncooperative witness is of little comfort to the police. Again, our cops are just too darned busy, dealing with too much stuff, trying to keep our streets safe, to be sent off on wild goose chases where they've got some drug dealer victim who is going to dummy up and not rat out, as I'm told they say, the person who shot him.

David Cameron wrote on March 3, 2005, to the standing committee on justice policy. He writes:

"I am writing as an Ontario physician who has been in family practice since 1988. I have concerns with the

effect Bill 110 will have on the residents of Ontario. My points are outlined below. If you would like a more in-depth explanation of the points below, please contact me—I would be happy to provide supporting information, cites, and arguments.

“(1) This bill will damage community relationships. The undermining of the doctor-patient relationship this bill brings will spill over into other relationships. The bill will have a chilling effect on the trust and confidence that Ontario citizens will have in public authorities, health care providers, institutions, and clinics. The demographic population caught in the crosshairs of the bill is the very population whose vulnerability requires us to make efforts to improve their trust and confidence, not undermine it. The population receiving this chill will not just be those with GSWs”—gunshot wounds—“but also their girlfriends, siblings, friends, and so on. We make great efforts to help police officers and public health workers gain the trust of the community, such as public school programs involving police playing basketball or public health nurses teaching safer sex. This proposed law would undo the good those efforts have achieved.

“(2) OMA support is misleading.” Dr. Cameron writes, “Telephoning the police on a patient with a GSW as soon as practicable is not what physicians want. The endorsement of the Ontario Medical Association ... following recommendations of its section on emergency medicine, is not congruent with the bill as it is drafted. Reporting a gunshot wound is very different than calling the police on your patient. Further, the position statement of the OMA section on emergency medicine is an unbalanced report, drawing unfounded conclusions from poor data, failing to take proper consideration of contrary arguments, misleading the reader about its application to GSWs from suicide attempts and accidents, and relying on US law and policy without recognizing the differences between the US and Canada. In addition, and with respect, emergency room physicians are a subset of physicians that have little experience with the doctor-patient relationship in any form other than immediate and temporary.

“(3) Poor medical care will result. Application of the current bill would drive GSW victims away from emergency departments and into private offices and walk-in clinics ill equipped to handle the injury appropriately.”

This is what I commented on earlier. If the really bad guys who are in gunfights know that they're going to be automatically reported by a hospital but they're not going to be automatically reported by a clinic or by a family physician, these really bad guys are going to show up in the doctor's office. At least, in a hospital, you've got security personnel, you've got locked doors, you've got all those sorts of things—a little better structure, institutionally, to contain bad people who show up. The poor doctor's office doesn't. It's similar with health clinics.

“Poor medical care will result. Application of the current bill would drive GSW victims away from emergency departments and into private offices and walk-in clinics ill-equipped to handle the injury appropriately.

“(4) The bill is not in accordance with charter principles,” and he writes on.

“(5) The law may be ultra vires.” Interesting.

“(6) Comparison with the US is inappropriate. Many proponents of this bill will cite the fact that 48 US states have similar reporting laws. However, the US culture of firearms is very different from Canada's. Given the US Constitution's Second Amendment right to bear arms, and the ubiquitous nature of firearms in American society, a wholly different level of justification exists in the US to balance the offence to privacy such mandatory reporting entails.”

“I would like to thank committee members and Mr. Koch for the opportunity to make this written submission.

“Sincerely,

“David Cameron.”

I am indebted to research staff Margaret Drent and Avrum Fenson, research officers, who provided an incredible wealth of material in response to various queries put to them by committee members, including myself.

One of the other areas of concern was spousal violence. I wanted to know what had been written around mandatory reporting and spousal abuse. I was provided, in response to that question, by research officer Avrum Fenson, a collection of reports from various studies done, primarily in the United States.

A publication in the Buffalo Public Interest Law Journal says, amongst other things, “The inability of the system to protect domestic violence victims from retaliation by their abusers is one reason for opposing mandatory reporting.” I know that it sounds wacky to say, if a woman has been shot, that she may not want to report it to the police. But I only have to refer you back to last week, when a woman was murdered in daylight, in front of witnesses, in a schoolyard by her spouse—oh, allegedly. This guy's out on bail.

We can't protect women. We should be able to, but we can't protect women from violent spouses. And I take the comment to heart. This reference is from the Buffalo Public Interest Law Journal: “The inability of the system to protect domestic violence victims from retaliation by their abusers is one reason to oppose mandatory reporting.”

Do you wish—do I wish—every time one of these brutal assaults is inflicted upon a partner, that the police could move in and deal with it appropriately, bust the offender and impose a sentence that is going to keep the public safe? Of course we do, but we know that isn't the reality. We know that there are victims of that type of domestic violence—partner violence; I don't know what the current language is for it that's appropriate. I don't want to offend anybody. We know that there are women who are not ready yet, in terms of what supports they have and where they can protect themselves and how they can or can't protect themselves from threats of further violence, to report an instance to the police. That raised for me the concern around gunshot wounds and

partners who are victims of domestic violence. Bringing in the police may not be the best approach to deal with that situation and, most importantly, to keep the victim safe and feeling safe.

1740

We were surprised—I certainly was—to learn that in a report published in *Annals of Emergency Medicine*, a study regarding the reporting requirement for domestic violence-related injuries in the United States found that 71% of physicians surveyed would not comply with the law if a patient objected to reporting the injury. We were shocked to learn of the gap between actual gunshot wounds in some of these American jurisdictions and the number reported. In other words, the two numbers didn't jibe. There was some unanimity around the need to collect data; in other words, to do non-identifying reporting so that they would have a handle.

We're going to run into this problem when it comes to dog bites. Do you remember that debate? The legislation that was passed did not incorporate or establish or lay the foundation for an accurate way of collecting data around dog bites so we can get a better handle on it. I don't disagree at all with the proposition that there has to be, because we don't have strong data on gunshot wounds.

Again, to be fair to Canadians, although the number of gunshot wounds and gun use in crimes seems, at least from what we read in the papers, to be dramatically increasing, we are not at the level of the United States, with the ubiquitous firearm and zip gun and automatic military rifle being used by kids to slaughter other kids.

Margaret Drent and Avrum Fenson developed a summary of positions, and I want to go through these very quickly.

St. Michael's Hospital—interesting. Again, this wasn't the hospital itself; it was the medical advisory committee of St. Michael's Hospital. Dr. Dan Cass, the chief of emergency medicine, told us that “we”—and he used the word “we,” presumably speaking on behalf of his department—“support mandatory reporting to an appropriate agency only of gunshot wound statistics without identifying information. We oppose the mandatory disclosure of the identity of gunshot wound victims.” He talked about it conflicting with the principle of patient confidentiality. He said, “It may threaten rather than promote public safety,” discouraging victims from coming to the emergency room and causing “marginalized populations to mistrust physicians as law enforcement agents. Mandatory reporting could be a ‘slippery slope,’” and it would “increase risk to hospital personnel who” would “be targeted later for their co-operation with police.” That's an undeniable reality.

Clayton Ruby—I referred to his op-ed piece and it being the first commentary on the principle of mandatory reporting of gunshot wounds. His commentary included, amongst other things, the observation that mandatory reporting might well deter gunshot wound victims from seeking medical help: “Fear of mandatory reporting had the well-documented effect of keeping drug addicts with a high risk of HIV infection from seeking medical advice or treatment in the 1980s.”

Dr. Cameron, whom I have cited, and even the Police Association of Ontario: “Timely voluntary reporting by hospitals of gunshot wounds was widespread until recently.” Interesting. This contradicts the whole thing about mandatory reporting, and we know that there is mandatory reporting because the bill doesn't make it mandatory because there's no consequence for not complying with the bill. So doctors and other health professionals who don't want to report simply won't report—end of story. And nothing can be done: They can't be charged, they can't be criticized, they can't be condemned. The bill means nothing. Even the police association made note that “Timely voluntary reporting by hospitals of gunshot wounds was widespread until recently.”

They go on to say, “Reporting by hospitals is falling off because they fear being sued.” Again, I put to you that that is speculative. Nobody from the hospitals seemed—and people are going to correct me if I overlooked it—to tell us that that was the case. Besides, give me a break: Some gangster is going to sue the hospital for reporting him or her being there with a bullet hole through them when, in fact, they don't have to co-operate with the police? What's to sue for? What are the damages? Remember the British courts, the ha'penny award, the classic award for libel and slander? The jury comes back and finds for the plaintiff but awards a ha'penny, a halfpenny, the lowest possible denomination; in other words, suggesting that technically they might be right in law but, “Here's what we think of you. Here's your ha'penny.”

I think it's pretty silly to talk about hospitals not doing this for fear of being sued, especially when we didn't hear of a single instance where a gun crime was not reported—not one instance. I'd like to know about them if there are. But even if there are, the bill doesn't create mandatory reporting.

We're told there's a problem when there's no evidence that there's a problem. We know there's a problem about guns. We know that; we know that. I say, at the end of the day, get cops out there on the street so they can deal with these guns, get people working on the borders so they can stop these guns from being smuggled into Canada.

Good grief, I've told you this before and I'll tell you again: I can't come back across at Buffalo or Niagara Falls with a Ted's hot dog without being asked what I purchased in the United States and “Can we look in your trunk?” “Do you think there are more hot dogs in the trunk, for Pete's sake? Go ahead; look.” Somebody's bringing across guns, handguns.

I've got grandmothers now being told they're going to have to get a passport to go over to the Niagara Square Mall, or whatever the heck it is, to do a little bit of cross-border shopping—nowhere near as lucrative as it used to be, but as a matter of fact, quite frankly, just like the folks in Windsor did some howling about the border—you know that from folks from down your way; our folks too in Niagara. We want to encourage our American friends coming across, bringing their US dollars. It's

about time some Americans came to Niagara and bought a tank of gas, a loaf of bread and a carton of cigarettes. Canadians have been doing it often enough.

Here it is, second reading of this bill, and New Democrats cannot support a bill that does nothing to achieve the goals that the minister, I believe, in good faith at the time, declared it would achieve, does nothing to enhance public safety, does nothing to change the law and, in fact, fails to create a requirement when it purports to do so. In fact, creating that requirement is redundant because health professionals, doctors included, already have the right and the obligation.

The Deputy Speaker: Questions and comments?

1750

Mr. Phil McNeely (Ottawa—Orléans): Bill 110, the mandatory reporting of gunshot wounds act, is an important tool that will help the police, and they have backed this legislation from the beginning.

The member for Niagara Centre thinks that this will be a burden on police forces, that it'll be a problem getting the hospitals and facilities to co-operate because there's no consequence to not reporting. Well, we're not dealing with rogue facilities here—the medical institutions. We're dealing with institutions that will follow the rules and will do it in such a way that they protect their staff and certainly help the police investigations.

I have a letter here from Rueben Devlin, M.D., president and CEO of Humber River Regional Hospital:

"This bill clearly defines when patient privacy protection can be breached to assist law enforcement officials in the course of their investigations. There's a reasonable abrogation of those privacy rights. The growing threat to the general population of illegal firearms use requires that all appropriate steps be taken to remove these weapons and the people who would use them to harm others from our community for a period determined reasonable under due process.

"Hospitals treat the destructive results of gunfire all too often. While some of it is the result of accidental discharge of firearms, too often other motives cause the trigger to be pulled. In either case, the possible harm caused by releasing personal information, as outlined in this bill, is minimal in comparison to providing law enforcement officials with information to further their investigations."

I think that is the way most people saw this legislation, that it is supportive of our police services. It is something that institutions and hospitals can easily do.

It's nice to see that under section 4 of the bill, "No action or other proceeding for damages shall be instituted against a facility, a director, officer or employee of a facility or a health care practitioner for any act done in good faith in the execution or intended execution of a duty under this act...." So the protection is there; it wasn't before.

It's very important. This is good legislation, and I hope that it passes smoothly through this House.

Mr. Ouellette: I very much appreciate the opportunity to again speak on this bill. There a couple of issues I

wanted to bring up. I zipped out and made a couple of calls to a number of police forces on this issue and asked their opinion. These were senior officers I spoke to. One of the key ones was, if the intention of the bill is to assist in criminal activity—I would hope that's what the intention is—in order for it to be effective, the reporting of the incident needs to be immediate. The reason that it's required to be immediate is that it could be the action of a crime that is taking place at that very time. So the necessity would be to make sure it's immediate.

Also, there are a couple of other things that need to be brought up. As I mentioned, when the member was speaking about facility reporting, there may be some reluctance on individuals at work, whether doctors or nurses or whatever. What's the reprisal going to be if they're reporting an individual who may be in criminal activity? There may be a reluctance and a concern that can come forward. Yes, I know the member mentioned that, and we wanted to raise that as well. Possibly having the facility do the reporting will be of assistance in that manner.

Some of the other things are the reporting protocols. I don't know if you've ever called the police station. When you call up, what is the protocol going to be in this particular situation? How is it going to be handled by the station? I would expect it would be in place, but I would hope that it would not be the anticipation of going to a 911 call, because as the member said, police officers need to be out on the street protecting these situations. Where you have somebody who is inside the facility reporting this, what are the protocols going to be, because it's normally dispatch individuals who take those? How is that going to formulate?

Also, the maintaining of information: What's going to happen at the local facilities after the reporting is done?

Define "gunshot." What happens with a starter's pistol? Is that a gunshot wound? We have a member who's talking about the Stratford Festival and what's taking place in that individual's riding.

Interjection: A bow and arrow.

Mr. Ouellette: That's right; I'm going to mention that. What happens in the case of the Stratford Festival when there's an incident? What happens with a bow and arrow and other incidents in those same areas? Those are some of the things that I hope we hear about from the minister and other people.

Ms. Horwath: It's my great pleasure to rise this evening and make some comments on the leadoff speech that was presented by our main critic in this area, Mr. Peter Kormos from Niagara Centre. I have to say, once again, Mr. Kormos was extremely well researched, extremely well read and extremely prepared for his one-hour leadoff debate. He did an excellent job not only of describing what is in this bill, Bill 110, the gunshot wounds reporting bill, but also what is not in this bill, and then spent some great deal of time talking about what other people have brought to light in regard to the failings of this bill to accomplish what the government purports it wishes to accomplish in regard to the reporting of gunshot wounds.

You will recall that in his debate he raised issues about the trouble that is likely to occur with the reporting mechanisms, insofar as the OMA indicating that they are in support of the bill, and yet CUPE, the Ontario Nurses' Association—ONA—are concerned about how the reporting requirements are going to affect their ability to do the job they are supposed to be doing in hospitals, particularly taking care of people who are ill, specifically in emergency departments.

The other issue he raised, and it's certainly an important one, is the lack of any checks and balances, or the lack of any requirements, any enforcement that this law would bring into force. I guess there are no statutory obligations with regard to penalty clauses, and that's something he raised as well. I think it's an important issue. I think that the lack of a requirement for family doctors and clinics to make similar reporting will cause tension in the system.

It's shameful—in fact, it's really not appropriate at all—that the government didn't take these very important criticisms into consideration when this was in committee.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): I am pleased this afternoon, as we approach 6 of the clock, to have a few moments to speak in support of Bill 110, which was so capably introduced in debate here this afternoon by the Minister of Community Safety and Correctional Services. We've had a good debate.

My comments on this bill relate to what's required at the hospitals in this oral reporting to the police. We know that the legislation says the name of the patient who has been treated for the gunshot wound, if it's known, and name and location of the facility. This is not an onerous task. It's much in keeping with what's already expected in other aspects of hospital care. For example, health care practitioners in Ontario are already required to report contagious diseases, child abuse, violent deaths and medical conditions related to unsafe driving to protect the public. This is just one other aspect of that, and it really is not taking a great deal of time. We heard this afternoon that we do have nurses under some intense times at hospitals and under some very long hours etc., but I don't think this is taking a whole lot of time.

If we just look at the wording, "The disclosure must be made orally and as soon as it is reasonably practicable to do so without interfering with the person's treatment or disrupting the regular activities of the facility." So this

is not putting a burden on the facility. That's what I appreciate about this bill. I look forward to its passage.

The Deputy Speaker: The member for Niagara Centre has two minutes to reply.

Mr. Kormos: First, I want to thank you for your patience with me, Speaker. I understand that yours is a demanding role, and I appreciate your informed leadership as I wind my way through debate here in this chamber.

Look, all of the obligations in the world can be pointed out. It's so irrelevant, because there are no obligations, because the failure to comply carries with it no consequence. This isn't a law; there's no offence for not reporting. So let's not pretend that it creates mandatory reporting. It doesn't. I would far sooner spend a little more time talking to the health professions about a way of ensuring that health professionals know their rights and duties with respect to their own colleges and regulatory bodies. I have no interest in seeing suicide victims being reported to the police and having the police attend and start a criminal investigation. I don't believe anybody has an interest in that. Certainly, as a public policy, it's not in the public interest.

I'm not sure that there's a whole lot to be gained by—look, the bad guys, the guys who are doing the gunfights out on the street, are not going to talk to the cops; as I say, they're going to dummy up. You can call the cops all you want. They're going to say, "I don't know. I fell down the stairs and shot myself." And the ones who are prepared to co-operate with the police, trust me, are going to be calling the police. Do you understand what I'm saying? If they're going to turn the shooter in, they're going to turn the shooter in with all the dirty details. But the gang member who is going to dummy up because he doesn't want to be a rat—you could have 20 cops in the bed around him in the emergency room; he ain't saying nothing.

So the bill doesn't take you any further from where you are now. It's the wrong way to go. It doesn't solve a problem.

The Deputy Speaker: It being 6 of the clock, this House is adjourned until 6:45 of the clock.

The House adjourned at 1800.

Evening meeting reported in volume B.

ERRATUM

No.	Page	Column	Line(s)	Should read:
L122B	5931	2	6-8	We look at other specific issues. The Muskoka wharf project: This government unilaterally removed \$2.5 million in funding for the Muskoka wharf project. Was there

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
Speaker / Président: Hon. / L'hon. Alvin Curling
Clerk / Greffier: Claude L. DesRosiers
Deputy Clerk / Sous-greffière: Deborah Deller
Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative Prue, Michael (ND)		Marsales, Judy (L)
Beaches-East York / Beaches-York-Est		Hamilton West / Hamilton-Ouest	
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Burlington	Jackson, Cameron (PC)		Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / Kitchener-Centre	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint Wynne, Kathleen O. (L)	Lanark-Carleton	Mathews, Deborah (L)
Don Valley West / Don Valley-Ouest		Leeds-Grenville	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London-Centre-Nord	
Durham	O'Toole, John (PC)	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Ramal, Khalil (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Markham	Wong, Tony C. (L)
	Hudak, Tim (PC)	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative Cansfield, Donna H. (L)	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
		Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre		Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	Baird, John R. (PC)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craiton, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Smith, Monique M. (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Northumberland	Rinaldi, Lou (L)
Halton	Chudleigh, Ted (PC)	Oak Ridges	Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Cameron Jackson
Vice-Chair / Vice-Président: John O'Toole
Wayne Arthurs, Caroline Di Cocco, Andrea Horwath,
Cameron Jackson, Kuldip Kular, Phil McNeely
John Milloy, John O'Toole, Jim Wilson
Clerk / Greffier: Trevor Day

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Pat Hoy
Vice-Chair / Vice-Président: Phil McNeely
Toby Barrett, Mike Colle, Pat Hoy, Judy Marsales,
Phil McNeely, Carol Mitchell, John O'Toole,
Michael Prue, John Wilkinson
Clerk / Greffier: Trevor Day

General government / Affaires gouvernementales

Chair / Présidente: Linda Jeffrey
Vice-Chair / Vice-Président: Vic Dhillon
Marilyn Churley, Vic Dhillon, Brad Duguid,
Linda Jeffrey, Jean-Marc Lalonde,
Deborah Matthews, Jerry J. Ouellette,
Lou Rinaldi, John Yakabuski
Clerk / Greffière: Tonia Grannum

Government agencies / Organismes gouvernementaux

Chair / Président: Tim Hudak
Vice-Chair / Vice-Présidente: Andrea Horwath
Lorenzo Berardinetti, Michael Gravelle,
Andrea Horwath, Tim Hudak,
David Oraziotti, Ernie Parsons,
Laurie Scott, Monique M. Smith,
Joseph N. Tascona
Clerk / Greffière: Susan Sourial

Justice Policy / Justice

Chair / Président: Shafiq Qadri
Vice-Chair / Vice-Président: Bob Delaney
Michael A. Brown, Jim Brownell, Bob Delaney,
Kevin Daniel Flynn, Frank Klees, Peter Kormos,
Shafiq Qadri, Mario G. Racco, Elizabeth Witmer
Clerk / Greffier: Katch Koch

Legislative Assembly / Assemblée législative

Chair / Président: Bob Delaney
Vice-Chair / Vice-Président: Mario G. Racco
Donna H. Cansfield, Bob Delaney,
Ernie Hardeman, Rosario Marchese, Ted McMeekin,
Norm Miller, Tim Peterson, Mario G. Racco, Mario Sergio
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-Présidente: Julia Munro
Laurel C. Broten, Jim Flaherty, Shelley Martel,
Bill Mauro, Julia Munro, Richard Patten,
Liz Sandals, Norman W. Sterling, David Zimmer
Clerk / Greffière: Susan Sourial

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Présidente: Marilyn Churley
Vice-Chair / Vice-Président: Tony C. Wong
Gilles Bisson, Marilyn Churley, Kim Craiton,
Kuldip Kular, Gerry Martiniuk, Bill Murdoch,
Khalil Ramal, Maria Van Bommel, Tony C. Wong
Clerk / Greffière: Tonia Grannum

Social Policy / Politique sociale

Chair / Président: Mario G. Racco
Vice-Chair / Vice-Président: Khalil Ramal
Ted Arnott, Ted Chudleigh, Kim Craiton,
Peter Fonseca, Jeff Leal, Rosario Marchese,
Mario G. Racco, Khalil Ramal, Kathleen O. Wynne
Clerk / Greffière: Anne Stokes

CONTENTS

Monday 11 April 2005

MEMBERS' STATEMENTS

Greenbelt	
Mrs. Munro	6085
Memory Project	
Mr. Fonseca	6085
Taxation	
Mr. Baird	6085
Adoption disclosure	
Mr. Flynn	6085
Government's record	
Mr. Yakabuski	6086
Barbra Schlifer	
Ms. Churley	6086
Automotive industry	
Mr. Arthurs	6086
Assistance to farmers	
Mrs. Van Bommel	6087
Leader of the Opposition	
Mr. Wilkinson	6087

FIRST READINGS

Inquiry into Police Investigations of Complaints of Sexual Abuse Against Minors in the Cornwall Area Act, 2005, Bill 185, Mr. Baird	
Agreed to	6087
Mr. Baird	6087

MOTIONS

House sittings	
Mr. Duncan	6088
Agreed to	6088

STATEMENTS BY THE MINISTRY AND RESPONSES

Food safety	
Mr. Peters	6088
Mr. Hardeman	6089
Mr. Hampton	6089

ORAL QUESTIONS

Greenbelt	
Mr. Hudak	6090, 6091
Mr. Gerretsen	6090, 6091
Environmental legislation	
Mr. Hampton	6092
Mr. McGuinty	6092
Lobbyists	
Mr. Hampton	6093
Mr. McGuinty	6093

Labour legislation

Mrs. Witmer	6094
Mr. Bentley	6094

Autism treatment

Ms. Martel	6094
Mr. McGuinty	6094

Grow bonds program

Ms. Smith	6095
Mr. Bartolucci	6095

Highway 69

Mr. Miller	6095
Mr. Bartolucci	6095

Forest industry

Mr. Bisson	6096
Mr. Bartolucci	6096

Federal-provincial fiscal policies

Mr. McNeely	6097
Mr. Sorbara	6097

Royal Botanical Gardens

Mr. Jackson	6097
Mrs. Meilleur	6097

Hydro security deposits

Ms. Horwath	6098
Mr. Duncan	6098

Teachers' professional development

Mr. Levac	6098
Mr. Kennedy	6099

PETITIONS

Regional centres for the developmentally disabled	
Mr. Dunlop	6099, 6101, 6102
Ms. Horwath	6100

Post-secondary education

Mr. Marchese	6099
--------------------	------

Control of smoking

Mr. Duguid	6100
Mr. Klees	6100, 6102

Anaphylactic shock

Mr. Delaney	6100
-------------------	------

Gasoline prices

Mr. Ouellette	6101
---------------------	------

Volunteer firefighters

Mr. Arnott	6101
------------------	------

Student safety

Mr. Flaherty	6101
Mr. Klees	6102

Chiropractic services

Mr. Ouellette	6102
---------------------	------

SECOND READINGS

Mandatory Gunshot Reporting Act, 2005, Bill 110, Mr. Kwinter

Mr. Kwinter	6103
Mr. Qaadri	6104, 6105
Mr. Dunlop	6104, 6106, 6113
Mr. Kormos	6105, 6112, 6114 6122
Mr. Kular	6105
Mr. Ouellette	6105, 6121
Mr. Levac	6112
Ms. Horwath	6113, 6121
Ms. Di Cocco	6113
Mr. McNeely	6121
Mr. Brownell	6122
Debate deemed adjourned	6122

Erratum	6122
----------------------	-------------

TABLE DES MATIÈRES

Lundi 11 avril 2005

PREMIÈRE LECTURE

Loi de 2005 prévoyant une enquête sur les enquêtes policières relatives aux plaintes de mauvais traitements d'ordre sexuel infligés à des mineurs dans la région de Cornwall, projet de loi 185, M. Baird	
Adoptée	6087

DEUXIÈME LECTURE

Loi de 2005 sur la déclaration obligatoire des blessures par balle, projet de loi 110, M. Kwinter	
Débat présumé ajourné	6122



No. 126B

N° 126B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

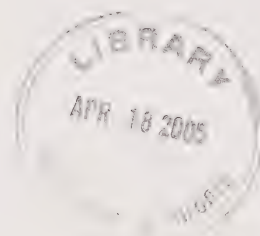
Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Monday 11 April 2005

Lundi 11 avril 2005



Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 11 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 11 avril 2005

The House met at 1845.

ORDERS OF THE DAY

LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

Resuming the debate adjourned on April 7, 2005, on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / *Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.*

The Acting Speaker (Mr. Michael Prue): It's my understanding that we are to resume debate, and I recognize the speaker from—

Mr. Ted Chudleigh (Halton): The “member” from.

The Acting Speaker: Excuse me—the member from Erie–Lincoln.

Applause.

Mr. Tim Hudak (Erie–Lincoln): I'm pleased to join in, with that thunderous applause from the member from Halton. He's a tough critic. I appreciate that. That applause is not easy to earn. I notice the member from Lanark–Carleton just sort of sitting there, staring at me blankly. So I'll have to win him over.

Mr. Norman W. Sterling (Lanark–Carleton): You'll probably be doing that after the speech.

Mr. Hudak: And during.

I'm pleased to offer some comments on Bill 128, the so-called marijuana grow-operators bill. I think, as we've heard in this chamber, all members would agree that marijuana growing is now, unfortunately, big business in the province of Ontario. It's also an illegal business, it is a harmful business, and it is a leading way for criminal elements to bring revenue into their criminal operations.

I want to bring a bit of perspective as well from the good people of Erie–Lincoln riding and talk about a couple of grow-op operations that were recently busted or discovered in the Niagara Peninsula, one famous one that members of this House probably recall from just a short time ago, about a month or so ago.

Mr. Chudleigh: Does Molson's have a brewery there?

Mr. Hudak: It's not quite the Molson's case—I'll talk about that—but it was a cucumber greenhouse that I would drive by. I think it was M&K Cucumbers, or something like that, in Wainfleet.

Mr. Chudleigh: I read about that.

Mr. Hudak: Exactly. It had widespread media coverage because of the size of the operation and the surprise that it was contained in a greenhouse in a small, relatively quiet community like Wainfleet, Ontario.

The other part I want to bring in too is the perspective coming from the border area and the ongoing problems we have in border communities with the extent to which the border is increasingly becoming a fortress. We often boast about the free and open border, the longest open border in the world, a great history since the War of 1812 of friendship with the United States of America, and the dual recognition of that border. Sadly, increasingly the border is becoming a fortress, having a major detrimental impact on communities like Fort Erie, like Niagara Falls, and throughout the Niagara Peninsula and other border areas that I fear is going to get worse.

A contributing factor to that, I think, is the Americans' fear of the marijuana rules in Canada, the legislation that is before federal Parliament and a concern that provinces need to do a better job in closing down these grow operations. In fact, I now send stakeholders to my colleague from Simcoe North, our hard-working and effective critic for community safety issues. Garfield Dunlop, the member for Simcoe North, has told me that about 80% of marijuana grown in the province of Ontario is destined for the United States. I fear that this is a contributing factor that will cause our border to close even more tightly, having a major impact on the economy of Ontario and the country of Canada.

1850

Certainly, Bill 128 is a positive step in curtailing marijuana grow operations. We in the opposition feel it should go further and be a stronger bill. We'd also like to see stronger remedies and punishments at the federal level for criminals involved in grow operations. We will devote some time to those improvements, but I'm glad to

see time in the Legislature being used to combat grow operations.

I mentioned the operation in Wainfleet. In fact, it was on March 15 that police discovered a major grow operation in Wainfleet; actually, in the community of Winger in Wainfleet. I think the member from Halton, who has spent a lot of time in the agriculture business, is familiar with Winger. To confess, it's probably less than a 10-minute drive from my home in Wellandport. It's just across the river and to the west, so southwest of my home. I know the place. I would drive by it on a regular basis. It's a greenhouse operation, boldly on Highway 3, a major thoroughfare. Neighbours on both sides expected that this was a cucumber operation as the sign out front had indicated for years.

Ironically, it was firefighters who responded to a fire at one of the greenhouses who, when trying to put out the fire, stumbled upon one of the largest marijuana grow operations to this day in Ontario. It was certainly not the size of the Molson factory, but it was equally notable. This place had about 6,000 marijuana plants, with an estimated street value of some \$4 million. It was under everybody's nose, under the glass of the greenhouse in Wainfleet, Ontario.

Greenhouses are certainly common in the Niagara area. Along with my colleague from Essex, we have some of the top greenhouse areas in the province. Greenhouses are a common sight: great access to highways, great access to the border. But beneath that greenhouse were not cucumbers or cut flowers, but marijuana plants.

Mr. Bruce Crozier (Essex): Oh, not in Essex.

Mr. Hudak: Maybe not in Essex, but you never know.

These greenhouse operations are not something of curiosity that you'd find covered occasionally in a newspaper under the "did you hear about this" section. They are increasingly prevalent across the province of Ontario. They are getting to be larger, more professional criminal operations. This one was in a humble greenhouse, average perhaps in size, in Wainfleet, Ontario; not particularly remarkable, is what I'm trying to say, but remarkable in that beneath that glass were some 5,000 or 6,000 marijuana plants with an estimated street value of \$4 million.

Mr. Chudleigh: Much more return.

Mr. Hudak: Farmers in the area will make the joke, I say to the member from Halton, that things are very tough for the grain and oilseeds, for agriculture across the board, and the only farmer who was making any money in Wainfleet was this grow house operator. That's what they'll usually say down at the Donut Diner in Wainfleet. They'll make that joke.

Mr. Chudleigh: I think a greenhouse makes about 20 bucks a square foot.

Mr. Hudak: This one was definitely making a lot per square foot, unfortunately.

Commenting on the fire in the *Hamilton Spectator*, Tom Cartwright, who is fire chief for Port Colborne and also for Wainfleet, expressed concern about the exposure

of his firefighters to toxic chemicals and any potential booby-traps that criminals may have set for trespassers into their operation.

That was March 15. I can see by some of the nods in the Legislature that most of the members here had heard about this seemingly innocuous greenhouse in Wainfleet, Ontario, a township of 6,000 people, housing one of the largest grow operations busted to date.

Just two weeks later, on March 31, Niagara regional police searched a house on King Street in Fort Erie, the town in which I was born and raised. King Street is an average residential neighbourhood.

Mr. Chudleigh: Your home town.

Mr. Hudak: I was born and raised in Fort Erie, the border city.

This operation certainly wasn't of the size or scope of the greenhouse, but they found marijuana plants valued at over a quarter of a million dollars in an average residence on an average street in Fort Erie, a town of 30,000, as well as grow-op equipment for increasing the size of the plant, or maybe for other operations, valued at \$25,000.

These events are chilling reminders of the dangers our firefighters, police officers and even neighbours to the greenhouse or to the home have to deal with every time they go for a call, or simply if a neighbourhood child had stumbled across the wrong type of character working at one of these grow house operations.

I'll give you a few quotes of what local residents have said. Liz Stryker, a resident next door to the grow operation, said, "We're concerned about the lax marijuana laws. What is the government doing for people in our situation? ... It's getting far too close to home."

I said at the beginning that the marijuana grow operation unfortunately has become a big business and a major profitable enterprise for criminal operators. They say that the most important thing about starting up a business is location, location, location. Ironically, my riding and the entire Niagara region could be a tempting place for grow operations because of their proximity to major centres in Toronto and the greater Toronto area, and also, very importantly, easy access to the border into the United States—from Fort Erie probably only five or 10 minutes away, and from Wainfleet about 40 minutes. So in less than an hour, criminals could easily unload their products with quick and easy access to New York state or the greater Toronto area.

I want to express this concern. I know my colleagues on the opposition side, and maybe others in the House have it as well—what's a good word for it, Mr. Speaker? Maybe you could help with this. The glib attitude that the federal Liberal government has taken toward marijuana issues I think is alarming, particularly in light of the dangers and the criminal activity behind grow operations. I remember Jean Chrétien boasting about his retirement. He said in jest, of course, that he was looking forward to having a beer in one hand and a joint in the other. But I worry that even in jest, that sends the inappropriate signal. I think it signals an administration that was far too

lax, far too hands-off the seriousness of the criminal enterprise surrounding grow operations.

In fact colleagues across the border, whether it's at the state level, the congressional level, even the former ambassador to Canada, had talked about Canada's lax marijuana laws—those that were before Parliament—and the lack of enforcement, and the reaction that would be likely from the federal government of the United States in terms of closing up the border to try to turn back these grow operators and their delivery agents. I'm not saying that we should obey the laws of the United States. We are our own separate, sovereign country. But I believe that as legislators we need to take this issue far more seriously and think of the well-being and welfare of Canada and the impact that closed borders have, particularly on our province.

First and foremost, we have an obligation to protect our citizens from substances that are illegal and harmful. Marijuana is one of those substances. Canadian and American customs and immigration agents need to work more closely together. We need to put more resources into our borders to combat smuggling of contraband back and forth between our two great countries. We need to create greater efficiencies, pool our resources, share information with our American friends and colleagues in shutting down these operations that supply the drugs. Quite frankly, we also need to get tougher on crime. We must not send the wrong signal across the border. We can't say, "Hey, we can't fight marijuana grow-ops," and throw up our hands and make jokes about possession. I believe that lax marijuana laws will make a bad situation even worse at the Peace Bridge.

I was in Fort Erie on Friday. A couple of long-time businesses—Keystone Kelly's was one of my favourite stops in Fort Erie, having been in operation since the early 1980s. It catered significantly to an American customer base that would come across to enjoy Fort Erie. They were going to bingo or to the racetrack or to visit friends or family across the river. I believe they are seeing a precipitous drop in the number of casual customers coming across the border. Keystone Kelly's, an institution in Fort Erie, recently closed its doors. Other restaurants are talking about a 20% or greater dip in their business. I know Fort Erie Racetrack and Slots have seen their business dip significantly. Sure, there's increased competition across the border and there's a stronger Canadian dollar, but no doubt people's fears about crossing the border, being trapped in another country, having to line up in a long line of traffic for an hour or more to cross the border, have caused them to hesitate. Certainly this new ruling that Canadians will have to have a passport to enter the United States beginning in 2007, and vice versa, will be another factor in the decline of border traffic. So that major American market across the border from Fort Erie and Niagara Falls, of one million-plus people, will have yet another reason not to cross into Canada and spend money or invest in our country.

1900

If you see countries like France and Germany, I say to my colleague from Northumberland, that just 60 years ago were trying to rub each other out, that were at war to conquer the other's country, and you can drive freely between France and Germany, why are we going in the opposite direction between Canada and the United States? That feeds into why I believe we need to strengthen this legislation, to strengthen our approach both here in Ontario and in Parliament in Ottawa:

Just a while ago, my colleague from Simcoe North was railing against the government to hurry up and hire the 1,000 new police officers, as had been promised by Dalton McGuinty during the election campaign. Still, a year and a half later, I don't think a single officer of the 1,000 has been hired. When we see marijuana grow operations in Wainfleet, Fort Erie and spread throughout Ontario, we could certainly use more police officers on the streets fighting crime; not behind desks—not at the administration level but on the streets fighting crime and doing investigation.

Mr. Chudleigh: This act doesn't call for one penny.

Mr. Hudak: Certainly one way to strengthen this act, as my colleague from Halton said, is to compel the government to spend money on enforcement, on coordination of services, on hiring those officers to root out the grow operations.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): Spend, spend, spend.

Mr. Hudak: But you promised, I say to my colleague from Pickering–Ajax–Uxbridge. You guys said you were to spend the money on 1,000 new police officers. Instead, you prioritized—

Mr. Arthurs: Didn't he say October 7 or 8?

Mr. Hudak: What did the asterisks say? When are they coming?

Mr. Arthurs: Within the mandate.

Mr. Hudak: Within the mandate. I'm not holding my breath. I think he's an honest fellow but I'm not holding my breath that we will see the 1,000 police officers before the end of the one and only mandate. I don't think we'll see it.

Under the previous program, 55 officers to the region of Niagara—very helpful, and that is actually greater than our share of the provincial population. I would fully expect that this new 1,000-police-officers program, which the member guarantees me is going to happen, will see at least 55 officers going to the region of Niagara. I want to see them do equal or better.

Mr. Lou Rinaldi (Northumberland): Who paid for them?

Mr. Hudak: The member for Northumberland asks me who pays for them. We promised that we would share the costs for municipal officers. We campaigned and delivered on our promise that we would pay half the funding for municipal officers and municipalities would pay half.

Mrs. Carol Mitchell (Huron–Bruce): You never paid half.

Mr. Hudak: We did. They are telling me as they heckle me—I hope it will turn out that you will better that, that you will deliver more than 50% to the municipalities. Some of the Liberal members seem amused or hint or wink or give the elbow—nudge, nudge—that it might be 100% funding. We'll wait and see. But I would hope, when it comes to the region of Niagara, that you will equal or better the previous government's record of 55 officers, because we need them. I talked a bit about the grow operations that we are seeing popping up in the Niagara Peninsula.

Let me give you some other advice, aside from my own. The Canadian Professional Police Association said that the federal government should set a two-year minimum sentence, to be served in federal prison, for growing sizable amounts of marijuana. I think that makes sense. I would agree with the Canadian Professional Police Association.

Sadly—I can't remember the details off the top of my head—I have seen in newspaper articles recently grow operators who really got a slap on the wrist: cases that were tossed out of court or that did not even serve a two-year minimum sentence. When you consider the scale of these operations and the criminal enterprises that they fund, a minimum two-year sentence—at a very minimum, and hopefully longer sentences—as a base, a guaranteed two-year sentence, is excellent advice from the Canadian Professional Police Association.

Right now—and hopefully we'll get the 1,000 police officers—if you run a grow-op, chances are that you might not get caught; you might not get caught for a while. If you are one of those unfortunate enough to be charged with a marijuana-related crime, you can rest easily: According to an article I read recently in the media, the average sentence is either four months in jail or a fine of \$1,500.

Mr. Chudleigh: A \$1-million cash crop and a \$1,500 fine.

Mr. Hudak: The member for Halton says a \$1-million cash crop, and you would face a fine of \$1,500. That's a pretty good gamble. We need to reverse that. We need to shift the odds and put these places that threaten neighbourhoods and individuals out of business.

I believe that the McGuinty Liberal government needs to back up not only this bill, but their initiatives in general, with real investments. I've talked a bit about the 1,000 police officers. We need to support them and the municipalities that have very difficult tasks under this bill and other provincial statutes.

Roger Anderson from Durham region, the chair and also president of AMO, had this to say when the minister introduced legislation last fall: "The authority to break up a grow-op must be backed up by the resources needed to fund effective investigation, training and safety measures. The proceeds of grow-op crime should be directed to recovering the high costs that municipalities incur as a result of them." I agree with what Chair Anderson had to say. We would like to see the funds funnelled into a

special account to help police take on these grow operations.

It's a good start. We need to get tougher, we need to back it up with resources, and let's not forget the big-picture issue: Let's work with the provinces, with our friends and colleagues across the border. If we continue to shut down that border, it'll have a major detrimental impact on the province of Ontario and the families we represent.

The Acting Speaker: Questions and comments?

Ms. Andrea Horwath (Hamilton East): It certainly is my pleasure to have a few comments on the debate thus far this evening on Bill 128, An Act to amend various Acts with respect to enforcement powers etc., basically the regulation or the grow-op investigation procedures.

I think generally I would agree with the member from Erie-Lincoln in that there are problems with this bill. That's probably as far as it goes. We would probably disagree on the details as to why there are problems with this bill. But I have to say overall I'm looking forward to, a few minutes from now, entering the debate myself in regard to what I see as being perhaps some improvements that could be made to this bill, some different perspectives in regard to the grow operation situation.

It's pretty basic. I think we all recognize that this is a situation that is occurring in community across community in this province. Certainly, the community of Hamilton is not without its grow operations. In fact, they're significant, and they go not only in the downtown area that I used to represent on city council, but also suburban and rural areas have all, at one time or the other, been locations where grow-ops have been undertaken.

The thing we need to look at is not only the Liberal broken promises around police—because my police force was just as perturbed as some others by the lack of 100% dollars there—but really who benefits in the grow operation situation. It is the criminal who benefits; it's the biker gangs, the organized crime that benefits from grow-ops. But when you look at what's happening on our federal scene, when you look at what the federal government is looking to do, we need to start looking at, instead of the cost to taxpayers of the current regime, how taxpayers can perhaps benefit when you look at this picture from a broader perspective.

Mrs. Mitchell: I'm very pleased to rise this evening to speak in support of Bill 128. This will go a long way in reinforcing our commitment to building strong communities.

I can speak to the residential indoor marijuana grow-ops personally, as one was found just around the corner from where I live. I just want to talk about how it affected—when you live so close to what you did not know was a grow-op for over six months, until the police move in and you find out what it is. The windows are all darkened. You don't see many people around. The meter had been circumvented by the lines being drawn. They had dug right into the main hydro lines on the road, and they had hooked up their own wires and were receiving

hydro directly into the main building. It was what I would call a very suburban neighbourhood, with lots of children around. In a rural area, it's not something we are used to dealing with. So this legislation will begin to address those concerns.

I can tell you from the community's shock at what happened, how it happened and how it went on for so long that we just simply weren't aware of this type of operation going on. So anything that we can do to move forward the agenda to make our communities stronger, to give them the tools they need to become stronger—but from the Green Tide report, \$85 million is stolen in electricity, so it is also about ensuring that the consumers pay the appropriate price for electricity.

1910

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): I am pleased to comment on Bill 128, specifically on the address by my colleague from Erie–Lincoln. I also want to comment on the comments from the member from Huron–Bruce. She used the words, “This bill goes a long way,” but that is where she should have changed course. This bill goes a long way toward trying to reinforce the impression that this Liberal government is actually doing something to combat the problem with regard to grow-ops. But every piece of legislation they seem to bring out is long on words and short on action, short on real substance. I am inclined to support the bill, because it is a first step. We don't want to go backwards. But if you're not going to increase the number of police officers out there doing surveillance and enforcement, how do you make these new laws work? You've got to give police departments across the province the resources to work with in order to combat this growing—and that is no pun intended—problem throughout this province and throughout the country.

Some statistics here: The Toronto police dismantled 33 indoor marijuana operations in 2001. As of September 2004, for the calendar year 2004, they had already dealt with 248 at a street value of \$83.2 million. So it is a growing problem. Organized crime is involved, and you are not going to combat organized crime if you don't have the police officers on the street. So there is one of the key things. The government talks about making our communities safer, making our streets safer, but the number one thing they need to do in order to make those streets safer is to put more police officers on the streets. Until they do that, we're just going to be treading water.

Mr. Gilles Bisson (Timmins–James Bay): I couldn't agree more. This is like that bow-wow legislation we had in this place not too long ago. Remember that legislation on pit bulls? The bow-wow one. The government is really famous for bringing in legislation that, in the title, says they are doing something that may have some support from the public out there. But when you look at the details of the actual legislation, it turns out that the legislation doesn't quite make it.

In the case of this particular legislation, they are trying to get at the issue of grow-ops. First of all, the federal government at one point is going to deal with this pretty

effectively because I know that our good friend, Mr. Martin—you know that federal Liberal Prime Minister in Ottawa—is talking about decriminalizing marijuana possession. Imagine if that happens. This legislation doesn't mean anything. What you would have is akin to prohibition being lifted, as it was in the 1930s, but leaving the distribution with Al Capone. That's basically what would happen, right? That is for another debate someday, but that is basically what it would come down to. This legislation—and my good friend Mr. Yakabuski raises it—purports to do something about grow-ops; OK, it doubles the fines. But who is really going to be worried about that? When was the last time you saw Al Capone worry about what kind of fine he was going to get for selling bootlegged booze? You think that scared Al Capone? What scared Al Capone, and what scared those people when it came to the Prohibition years, was the number of people Eliot Ness could put out on the road to make sure they went out and got the bootleggers. That's how you deal with this issue. I am not saying this legislation is bad, I'm not saying it's a terrible thing, but don't try to make it out to be something it is not. This particular legislation doubles the fines. If you're in the criminal element, growing marijuana—oh, yes, you're going to pick up the legislation and say, “Oh, God, we've got to take down the grow-op now.” I don't think so. It ain't going to happen.

The Acting Speaker: The member from Erie–Lincoln has two minutes in which to respond.

Mr. Hudak: To my colleagues from Hamilton East, Huron–Bruce, Renfrew–Nipissing–Pembroke and Timmins–James Bay, thank you, one and all, for your comments on the bill and my remarks.

I'm going to side with three out of the four members, which is a significant majority; they have it right. This is another, “In reality, the emperor has no clothes” piece of legislation. It sounds good in the press release, but when you open up the pages, you see quite quickly the emperor indeed has no clothes.

I enjoyed the reference made by the member from Timmins–James Bay. I'm concerned about that, too. If they decriminalize marijuana, not only does it send an inappropriate signal about these marijuana grow operations, but it is like leaving distribution in the hands of Al Capone. I will note that came from the member from Timmins–James Bay, and from now on I will just steal that and call it my own.

Let me say a couple of quick facts just to reiterate my main points. Some 80% of the marijuana grown in these criminal operations is exported to the United States. I fear, as the member for Erie–Lincoln, next to Windsor, the second-busiest border operation in the entire country, that more and more of these grow operations may call Niagara home. If we see it in a small, relatively quiet community like Wainfleet, I fear what that will mean for your Wellandports, your Grimsbys, your Pelhams or your Beamsvilles.

Certainly, investing in police officers, as has been promised by the Dalton McGuinty government, will help

in actually enforcing this legislation and other criminal prosecutions at the local level.

I do worry, again, about the increasing fortress at our border. I think that unless the federal Liberal government and the provincial Liberal government reverse course on this laxness on crime, we're going to see even more obstructions harming business and tourist traffic crossing into our two countries.

The Acting Speaker: Further debate?

Ms. Horwath: I should start my remarks by welcoming those people at home who have decided to tune in and hear about what's happening at their provincial level of government.

Tonight we're debating Bill 128, which is An Act to amend various acts with respect to enforcement powers, penalties and the management of property forfeited etc., etc. The short form of the bill, quite frankly, is grow-op legislation that the government has tabled, and we're dealing with that tonight.

I have to start off by saying that this bill purports to be dealing with the dismantling and the prosecution of marijuana grow operations across the province. However, as we'll see through not only my comments this evening, but if people are interested they can go back to see some of the comments that others have made about this particular piece of legislation, it doesn't really do a heck of a lot. It doesn't really make any huge change in terms of the regime that currently exists. In fact, what it does most of all is it increases fines. It acts as an attempt, I think, to create a greater deterrent for those who might be in the business of grow operations. But, quite frankly, anybody who has been in any way involved at the municipal level and talked to their local police force will know that the deterrent factor is one that would have to be probably 800,000 times greater than what's in this bill to really affect grow operations, because the money that is in these operations boggles the mind. The amount of money that biker gangs or organized crime pull out of a grow operation is absolutely mind-boggling for the regular, ordinary person.

My experience on city council—I represented the downtown area. I dealt with the police on a regular basis, and I know that they had many concerns in the city of Hamilton; not only in the downtown area, certainly, but all over the amalgamated city of Hamilton. I'm talking about Stoney Creek, I'm talking about Hamilton Mountain, I'm talking about Flamborough, Ancaster, Glanbrook. All of the various components in the city of Hamilton, in one way or another, were touched by grow operations and have been touched, and continue to be locations where this kind of enterprise takes place.

1920

What is supposed to be happening, as you know, is that because it's an illegal enterprise, the police are the ones who are supposed to be going in and investigating these situations and shutting down these grow-ops. But there is some problem with their ability to do so. Why is that? Quite frankly, because they don't have enough staff; they don't have enough resources.

If you talk to many police forces across this province, they had thought that the government would be supporting them in their desire to beef up their forces to get at these very kinds of operations we are debating tonight. But unfortunately, after a great celebration, a great relief that the funding was coming, no sooner was the promise made than, guess what, the promise was broken. When they turned around and read the fine print, lo and behold, the McGuinty Liberals weren't prepared to put 100-cent dollars into municipal police forces. They were only going to be putting 50-cent dollars in or, in some cases, less. That's one of the things that many police forces across the province have been very disappointed with.

I have to say that what this particular piece of legislation does is to ignore the promise of the 1,000 police officers and ignore the reality that in order to get at this particular problem, this particular difficulty in communities—and it is one; there's no doubt that there's a difficulty there. The \$30 million in funding that was supposed to cover off the costs to municipalities wasn't what it looked to be at first blush. Unfortunately, municipalities across the province are now in a situation where not all of them are able to take advantage of that funding, because it wasn't what they expected it to be.

I have a number of examples. When the announcement first came that the dollars weren't going to be what was expected, that the dollars were only going to be a fraction of what municipalities were hoping to rely on for their police officers, these very police officers whom they had hoped would be helping with the investigation and shutting down of these grow operations—for example, Sarnia mayor Mike Bradley said that the program would be too costly to participate in, since the province is asking civic governments to ante up half the cash for new officers. Bradley said the plan would require the city to spend \$50,000 per officer, money that municipalities, as we all know in this day and age, simply don't have. They don't have it because of the downloading that occurred with the previous government. I know in my own municipality, the city of Hamilton, this government has refused to recognize the impact of that downloading, and then continues to download these kinds of services, like policing, which they promise they're going to fund and then they turn around and backtrack. That would be called a broken promise, I think.

In fact, it was said very well by Mississauga mayor Hazel McCallion, who described the plan as "a form of downloading" if the province doesn't fully fund the officers. Of course we all know that the province didn't fund the new officers.

The Hamilton Spectator noted that, "Perhaps the Liberal promise book should have come with a disclaimer: 'Objects may not appear exactly as shown.'" I got a good chuckle out of that one when I read it in my own kitchen, because the Hamilton Spectator was right on, not only in regard to the broken promise around police officers but, really, I think that's a refrain we could use pretty much every day in this Legislature, as

the Liberals continue to break promises and mislead—well, perhaps “mislead” is not the right word. Let’s say they put a veil of subterfuge around some of the things they’re bringing forward. Some would even call some of the language in some of the legislation a little bit Orwellian in regard to what it purports to do as opposed to what it actually does.

This is one of those pieces of legislation, unfortunately, like so many others. It places responsibility for the policing of marijuana grow operations—not totally, but in some respects—on enforcement agencies other than the police. An onus is now put on hydro inspectors, for example; electricity distributors are in some ways in the game of inspecting and identifying these kinds of grow operations.

There’s no doubt that the debate we’re having around this bill is one that needs to have the broader context, and I think if there is one major failing this bill has, it’s that it doesn’t take into consideration the broader context and debate that this nation is having around the situation of marijuana altogether.

I think it was raised a little bit earlier today, or perhaps in one of the other speeches on this particular bill, that even the ultra-right-wing Fraser Institute has something to say about marijuana. It’s their opinion—and it shocked me because they are very right wing. In fact, I’m sure many of the members of the official opposition probably have the Fraser Institute on their reading list or on the list of magazines they subscribe to regularly. But it was that institution, that organization, that said, “Let’s legalize it.” That’s the debate. When I say, “What is the debate that is happening? What is the context in which this bill is being discussed in this Legislature?” the broader context is of course the national context around the decriminalization or legalization issue.

And why is it? In his paper, *Marijuana Growth in BC*, a professor named Stephen Easton argues:

“This paper raises several issues that have the cumulative effect of suggesting that in the long term, the prohibition on marijuana cannot be sustained with the present technology of production and enforcement. To anyone with even a passing acquaintance with modern history, it is apparent that we are reliving the experience of alcohol prohibition of the early years of the last century.

“... the broader social question becomes less about whether we approve or disapprove of local production, but rather who shall enjoy the spoils. As it stands now, growers and distributors pay some of the costs and reap all of the benefits of the multi-billion dollar marijuana industry, while the non-marijuana-smoking taxpayer sees only costs.”

In fact, that’s what this bill continues to do: drive up the cost while not looking at the broader debate, as was raised in the paper Mr. Easton produced, *Marijuana Growth in BC*.

The Canadian Association of Chiefs of Police has repeatedly stated that marijuana is far from their highest enforcement priority. Most people watching this will

know that when you go to an emergency room in a hospital and they assess you initially to see how bad your injury is—it’s a triage system. If you are in a very bad way, if you’re bleeding profusely or having a heart attack, you get bumped to the front of the line and seen first, or you receive treatment first. For example, I recently broke my arm, as you know. I was able to sit and wait patiently. They put some ice on it for me and I waited, while people who had greater injuries than I went ahead of me.

A similar thing happens in policing. People who have had a car stolen or a minor fender-bender accident—well, police don’t even come to fender-benders any more. You just go to an accident reporting centre and fill out the forms. But if there is theft, for example, or break-and-enter, those kinds of things, people will recognize that the police are not rushing to those situations. They get triaged. They get placed in order of priority. The Canadian Association of Chiefs of Police is saying that marijuana is not their top priority when it comes to enforcement. They are interested in spending their resources on combating more lethal and dangerous crimes. They have concluded that marijuana offences don’t even rate high enough to make their list.

I am talking about the simple marijuana offences. I’m not talking about the grow-ops particularly, because we know that policing includes the observation and the desire to dismantle or to have an effect on organized crime. Of course, in many cases grow-ops are one of the instruments that organized crime uses to generate funds. The point is, if you want to stop the crime, which criminal will you be going after? If you are a member of the police service, will you be going after murder or the growing of a marijuana plant; sexual assault or growing of a marijuana plant; assault causing bodily harm or growing of a marijuana plant; auto theft or marijuana growing; fraud or marijuana growing; crimes against children, abduction, sexual assault, kidnapping or growing pot? We all know that when it comes to the police deciding which of these things they’re going to go after, of course they’re going to go after some of the more heinous crimes against people, as opposed to the growing of marijuana, particularly when you’re looking at volumes of marijuana.

1930

Again, this goes back to the national debate around what is currently legal and illegal, what is currently allowed and not allowed in regard to growing or possession or those kinds of issues. The whole point is that we need to keep our heads level and concentrate our limited resources in the places where they do the most for the most number of people. It’s making the best out of the resources we have and achieving the optimum results that we always have to strive to be doing.

In the context of that synopsis of what’s happening in the policing world, Bill 128, as we see it before us, is primarily a public relations exercise for the government. Why is that? Because it really doesn’t make a heck of a lot of change in terms of the current regime. Premier

McGuinty and Minister Kwinter wanted to be able to claim that they're being tough on crime, while really they're not doing a heck of a lot in that regard.

There are a few parts of the bill that at this point could be considered overly broad, and in a few minutes I'm going to go over very briefly what some of the problems are. But I have to ask, am I vehemently against this bill? Do I vehemently think it doesn't need to be here or shouldn't be passed? No. Quite frankly, it's a fluffy bill. It's a bill that doesn't have a lot of merit one way or the other. Is it extremely harmful? No. Is it extremely helpful? No. What is it? It's a Liberal public relations exercise. I have to say they want to be able to tout it at some point and say, "See? We did this," but the problem is, "this" is not very much at all.

Unfortunately, it's probably going to end up being a bit of a tax grab. It will increase the fines. Is that a good thing? I guess. Do increased fines have a major effect on this particular industry and this particular criminal activity? I would submit to you, no, they do not. Why is that? Because when you think about, when you read about, when you understand true grow-ops and the reams of dollars that are involved in those operations, you'll know that a doubling of the fines doesn't even scratch the surface when it comes to a deterrent in these kinds of operations.

There are some critics who claim that perhaps this particular bill is going to have difficulties when it comes to legal challenges, and that's around issues of whether this is a bylaw in disguise, whether it doesn't even belong at this level. Some say it's not only a useless piece of legislation, but it contains nothing new.

When I say that, again, I know I sometimes refer to my municipal experience in this House when I'm in debate, but I certainly have worked over the years with municipal bylaw enforcement people. They have worked in co-operation with police time and time again in my community. This bill doesn't change their ability to do that one way or the other. In fact, my experience has been that whether it's police, fire, property standards or public health, when there's a problem in our community in the city of Hamilton, all of those organizations, including the Alcohol and Gaming Commission, get involved, get together and work on dealing with those problems as they come up. This bill doesn't really change their ability to do that. It doesn't really change the fact they've been doing that historically anyway in the city Hamilton. They coordinate with each other currently, they work with each other, and this bill is simply reinforcing their ability to do so. But it's something they can currently do—make no mistake.

I'm running out of time, and I'm surprised because I'm not even halfway through my notes.

I think one of the things it's important to recognize is that there are parts of the legislation that are redundant, certainly, but there are other parts that I think don't take into consideration what's happening across this country. I think it's important to note that millions of Canadians are currently marijuana users, in Ontario certainly, but across

the country apparently there is a significant amount of marijuana use currently being undertaken. The reality is that it's not only medicinal use. There is medicinal use, but there is also recreational use of marijuana that occurs in this country, and that is why the federal government is looking at whether or not decriminalization needs to occur.

But when you look at that question, you have to look at who benefits right now from the use of marijuana that exists in Canada. When you look at who is benefiting, we all know that it's organized crime that is benefiting. Why? Because it is a substance that is not in any way controlled, regulated—the distribution is not anything that is involved with government. So, as I said at the beginning of my speech, what we have is an illegal substance that is looking to be perhaps decriminalized. I think there is an opportunity, if the federal government does go down that road, that, instead of it being a drain on the taxpayers' purse, it might be a money-maker. Why? Because when the substance becomes regulated, when the substance becomes controlled, when government takes over or at least is involved in the distribution, then the lucrativeness—is that a word?—the lucrativeness of this particular substance, the amount of money that it can generate in illegal circles, the amount of money that will go to finance biker gangs and organized crime, will no longer be there. That money will no longer be there. Taxpayers will not be paying out of their pockets for policing and for all the different pieces of the justice system that are required to prosecute these grow-ops. Rather, the taxpayers will be benefiting because they will be receiving taxes on the substance that is now part of a system that is regulated, a system that is controlled, a system that has distribution managed by the provincial or the federal government, depending on how things go with that broader debate.

So I would put to you that this bill is not a horrendous bill, but it is certainly not the big law-and-order bill the Liberals would like to tout it to be.

The Acting Speaker: Questions and comments?

Mr. Arthurs: In effect, this is a law-and-order bill. It's not going to resolve the issue, by any means, in its entirety, but it adds to the tool box.

I'm really surprised—how does one get from grow-ops and the theft of 80-odd million dollars in hydro in 2002, to biker gangs to a tax grab, and that the best way to fix it is to legalize it so it will be a new revenue stream? I don't know whether that's NDP policy at this point in time, but I'd be interested in hearing if that's the position that the party is going to take: that the best way is to consider legalizing the drug so that it will be a new revenue stream for us and thus we won't be having a tax grab by virtue of increased fines and the like and/or the possession of illegal property for the benefit of the crown. I find that intriguing, to say the least.

I can appreciate the Canadian Association of Chiefs of Police saying that this might not be their highest priority. I would expect that murders would be very high on their list of priorities. We do have to have, though, so that the

police forces that are there, whether they be the OPP or each of the police forces in the province of Ontario, additional capacity, additional resources to deal with these crimes, and one can maximize the use of those resources if you give them the appropriate means by which to deal with the crimes. You don't just spend—and I'm surprised that both opposition parties seem to be on a spending spree with this, "How fast can we spend money to hire additional officers? How quickly can we take over the full responsibility of the municipalities for hiring police?"—on the basis that somehow that's going to be a resolution to this issue. I think the police forces have to obviously use their resources in the most effective way possible, as is also their responsibility.

1940

Mr. Chudleigh: The speaker from Hamilton was eloquent, as always. Although she has reservations about the bill, those reservations are on the opposite end of the scale from my reservations about the bill. She touched on the subject of whether or not marijuana should be legalized. She never actually suggested that it should be, to her credit. That, of course, is as far from where I want to go as you can possibly get in this debate.

Interjection: It's a federal Liberal policy.

Mr. Chudleigh: Yes, it's a federal Liberal policy, as the member for Ottawa—somewhere points out.

Interjections.

Mr. Chudleigh: Sorry, Norm. I've lost my train of thought completely. You people have to stop heckling me. You're too close.

The whole debate around this bill is what it proposes to do, which I think most people in this House support, but how it does it, of course, causes great consternation on both sides of the equation. For some it doesn't go far enough; for some it goes too far. It's a problem, because grow-ops are an increasingly difficult problem in our society. Some people will ask, "Who is hurt? Where's the victim in this crime?"

There are a tremendous number of victims in this crime. If you look at home invasions for instance, I understand there are a number of home invasions that occur because people get the wrong address. They've just harvested their grow-op operation and there's either money or drugs in that house and when they rush through the door, maybe they've got the wrong address and a couple or a family is in great jeopardy. This is not a victimless crime. It's a very serious condition, and the government of the day should take that very seriously.

Mr. Bisson: I agree with the previous speaker. We are having difficulty with this legislation for exactly opposite reasons, which is kind of interesting. The Conservatives on one hand want to be the party of law and order and just close all these places down and run in with the cops and shut 'er down. That's where they're at. We're saying this bill is a little bit like the pit bull bill. It's much to-do about nothing. Wasn't that Shakespeare who wrote that? I think it was one of those famous books written in the past.

I just say to the government across the way, listen, I made the comments before and I'll get an opportunity to speak a little bit more fully on this later tonight, but there are a couple of things—

Mr. Crozier: Is that a promise or a threat?

Mr. Bisson: It's a threat and a promise, and I'm going to keep that promise, my friend.

I'd just say a couple of things. One is, we know that the federal government eventually is going to deal with this particular issue. I think the larger issue facing us in this country is the whole issue of decriminalization. Do we want to stay as we are now or do we want to move forward and decriminalize marijuana? There are people who fall on different sides of the issue on that one, I think even in this Legislature, as there are within society overall. But it's pretty clear that's where the government wants to go. The government has actually said that. The opposition parties in Ottawa are on side. If you do that, what's this bill all about?

I just want to say to the government across the way, don't get people all excited about this. The reality is probably going to be nothing. Madame Horvath, the member for Hamilton East, made a very good point, which is, at the end of the day, the reason people don't break the law is the fear of getting caught. I ask you the question: Al Capone was in the business of selling booze during Prohibition. It's a bit like this right now when it comes to marijuana growers. Was he afraid of being caught because of fines? No. The only thing he ever feared was getting caught if he had the cops out on the road, something this bill doesn't do. I thought that was a very good point.

Mr. Rinaldi: It's a pleasure to join this debate and make a few comments on the debate by the member for Hamilton East. Listening to the debate from both the member for Hamilton East and the member for Erie-Lincoln prior to her, it makes you wonder what this is all about. On one hand they say they're going to support the bill, then it doesn't go far enough, and we don't have enough police. To expand a little bit on the police debate, if one were not aware of the circumstances around the province in the different towns and communities and cities we live in, you would think we have absolutely no police around. It sounds like, because we are going to give them the tools to enforce some legislation to protect the public, all of a sudden everything else is going to collapse. You might think we have only one officer in the city of Toronto and, my God, if we give him this other piece of legislation or law to deal with, what is he going to do?

To focus a little bit more on the policing issue, the time it's going to involve and on our commitment for 1,000 police officers, I was in municipal government when we were given from the previous government—so-called "given"—extra police officers. I can tell you what I hear from my colleagues in the municipal field today. Their so-called 50-50 is now about 25% or 30%. So as we move down the road, we want to come up with a proper formula to make sure it addresses their needs.

In my final comments, I think this is a good start. Will it fix everything? Of course it won't fix all the problems with the grow-ops. But it's something that's on the rise, and we're taking some action before it gets even worse.

I urge everybody to support this and let's get the ball moving.

The Acting Speaker: The member from Hamilton East has two minutes in which to respond.

Ms. Horwath: It's quite interesting when the responses that come from my speech really don't have much to do with what I had to say, but that's OK. I think the points I made are clear. They actually are going to remain on the record, and that's what is important to me. The government is undertaking this legislation as a bit of a showpiece, as a way to purport to be doing something when they're not really doing very much.

Again, is it a great big problem? No. Is it anything particularly effective? No. So the bill itself is a bit mealy-mouthed in that way. It's not really a great bill; it's not really a terrible bill. Do grow-ops continue to exist? Will they continue to exist? Yes, they will. Why? Because this bill will do nothing in terms of being a deterrent. What would be a deterrent? Having more police officers on the streets would be a deterrent.

Is that the direction we're going, generally, in terms of marijuana in this country? It doesn't seem to be. It seems that the federal government is taking us down another track when it comes to marijuana regulation, whether you want to call it decriminalization or legalization—whatever you want to call it—but what this bill will simply do is, in the interim, give the McGuinty Liberals an opportunity to beat their chests and say they are being tough on crime. What would really be tough on crime is if they gave local police forces the true dollars that they promised or the true 1,000 cops on the streets so municipalities could take advantage of them, and then look at the broader context when it comes to marijuana generally in the federal debate or the nationwide debate, if you will. What we're talking about there is whether or not simple possession and the small medicinal use—it's nothing to get your knickers in a knot over.

The Acting Speaker: Further debate?

Mr. Khalil Ramal (London-Fanshawe): I've had the privilege and honour to speak on many different issues before, and today I'm honoured to speak on Bill 128. This is a very important bill.

Mr. Yakabuski: How important?

Mr. Ramal: Very important, because it addresses safety in this province.

Mr. Yakabuski: On a scale of 1 to 10?

Mr. Ramal: Ten from 10.

I've been here a lot since this evening session started on the bill. Some people are very negative. It doesn't matter what we do, it doesn't matter what the government does; they always have negative things to say. They don't believe in the cause. They always find some kind of obstacle to put in front of any issue we propose. Despite that, we believe this bill is a very good step toward addressing the safety issues in this province.

I was reading some notes. I was surprised when I read that the cost of grow-ops in Ontario in 2002 was estimated to be almost \$100 million and that 85% of this loss goes to hydro, because so many grow operators steal hydro and many other things.

1950

I believe this bill addresses a very important issue: All of us in this province are concerned about protecting our children, our health, our environment, and also our finances.

I was also surprised when I read that most operations were almost 500 metres away from the schools in this province, because, as you know, most customers for marijuana are basically high school students or university students. They target our young generation. That's why this bill is very important to put an end to this and to control this operation, because we want to save the future of our children. We want to protect the future of our generation.

Besides that, I believe this will eliminate the crime, because grow operations open up a lot of abuse. I was listening to the member from Hamilton East when she was talking about the cause of the grow-ops and the cause of the people who operate those operations. They will open up a lot of abuse: women abuse, child abuse, crime, theft, breaking, so many different issues.

I believe this bill is a very important step to put an end to those obstacles we are facing in this province. This bill will allow the electricity distributors to, without notice, cut the hydro if they see any illegal activities going around or the consumption of hydro going up without reason. Also, it will allow building inspectors to go in to inspect the houses. There are so many things that are important in this bill. There's a doubling of the fine. Whoever gets caught in a grow operation will get a heavy fine, and I think that fine is very important to stop many people from thinking about doing those kinds of things in the future.

I am proud of our government. I commend the government for bringing forward such a bill. I think it's very important for all the people in this province—rural, cities, small municipalities or large municipalities. Also, I'm proud of our government that is going to work hard to make sure to protect the people of this province, not just by talking, but by acting, in order to ensure and to enforce this bill.

I think the 1,000 police officers, the initiative, in conjunction with municipalities, means a lot to help us have a safe environment, a safe society and also to implement and make sure this bill goes a long way to protecting the people and making sure that we have a safe and constructive environment and society.

The Acting Speaker: Questions and comments? The member from Halton appears to be rushing to his seat.

Mr. Chudleigh: That's a wonderful speech. I think the member did very well, although he's on the wrong side of the issue.

The Acting Speaker: Further questions and comments?

Ms. Horwath: I'm pleased to make a few remarks on the debate by the member from London-Fanshawe. I have to say that I was a little concerned, because I think that a part of the comments I brought forward in regard to the triaging or the prioritization of policing calls was misinterpreted by the member. I just wanted to repeat that when the police are called and they have many calls on their resources, many issues coming in at one time, they triage them. They prioritize them. So my point was not that the grow-ops are necessarily leading to one or other of these crimes—though I'm sure that in some cases they are—but rather that the police will attack crimes of personal injury first: things like assault, sexual assault and crimes in progress, especially those that involve young people or children. Those are the ones the police will prioritize. That was my point when raising those other crimes that the police also have to be in touch with.

I have to say—we've seen it all night tonight—that when the Liberals get up, they're doing exactly what we knew they were going to around this legislation: beating their chests and talking about how great it is to have this law-and-order bill that's going to completely change the face of crime in our communities. It's a bit of dreaming in Technicolor if we think that's really going to happen.

The deterrent effect will come with more resources on the street. If that's what they're really getting at, then that's what's going to have an effect on the grow operations. The doubling of fines and the ability of inspectors to work together with police and other agencies—well, this bill might include those things, but it's nothing that hasn't been done already. The bill is really not much of anything.

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): It's my pleasure to have a few minutes this evening to speak on Bill 128. I jotted down a few comments that were made by the member from Hamilton East, for instance, that we're all talk and no action. I'd like to start with that. We are certainly talk, and we are action. We're action because we brought in a bill that will have impacts on at least seven other pieces of legislation that have gone through this House. That's action.

A comment was made by the member from Timmins-James Bay that this is much ado about nothing. Well, this has much to do about what's going on here. I look at Toronto, for example: In 2001, the Toronto Police Service dismantled 33 indoor grow-ops; in 2003, the number rose to 140; and preliminary figures for 2004 show that they dismantled 248 indoor operations, with a street value of more than \$83 million. This has much to do about making our communities safe, making our rural and urban—this is not just an urban issue. It's an across-the-province issue. It's certainly in our rural areas.

This is to build strong communities, which was part of our mandate. That was part of what I campaigned on, that's what I brought into this House and that's what I'll continue to speak about: building strong rural and urban communities.

Mr. Bisson: I was in my office listening intently to the comments made by my good friend the member from London-Fanshawe, for whom I have a lot of respect. I think he's an honourable gentleman and truly believes what he believes. But I want to say to him that I'm going to put this in the context of Prohibition. We had Prohibition in Canada in the 1930s, as they did in the United States. I ask you this: What would have scared Al Capone? If we were looking at this as a means of stopping the people making bathtub gin back during the Depression, would this kind of legislation have done anything to discourage Al Capone? I say not.

Here are a couple of examples. This bill does one thing: It says that if you are suspected of operating a grow-op, they can turn off the electricity. Would Al Capone really have cared? Would Al Capone have said, "Oh my Lord, they're going to turn off my hydro, so I'm not making any more bathtub gin"? I don't think so.

The next provision in the bill says that we're going to double the fines. Do you think Al Capone, during Prohibition—making bathtub gin, selling booze, along with Mr. Kennedy and others—would really have worried about being caught because of doubled fines? Those guys would have said, "We don't care. There's lots of money to be made" selling bathtub gin and beer during the Prohibition years of the late 1920s and the 1930s.

2000

When you get into the other provisions of the bill, it's much the same. The point I'm making is that this bill is about nothing. You purport to do something about dealing with grow-ops, but the real issue is that if you want to scare Al Capone out of the business of selling booze and bathtub gin, how do you do it? You hire Eliot Ness. You give him and the police department the money to go out and do the kinds of things they have to do to shut these guys down. That's how they got Al Capone. You're not going to get anybody with this legislation. Al Capone will live.

The Acting Speaker: The member from London-Fanshawe has two minutes to respond.

Mr. Ramal: I was surprised when listening to my colleagues from Timmins-James Bay and from Hamilton East. I know this bill is not going to solve the whole problem, but it's a good step toward it. He talked about Al Capone for many hours and many times. But the issue is that so many people care about their hydro, care about the price of their property, care about the social network. Those issues are very important for many, many people. That's why we believe that it's a very important step to fix this issue. We cannot keep ignoring it and not talking about it. They would say, "Nobody cares about this issue. Nobody cares about the bill." I know this is a very important step toward ending these operations. I believe that by working together, the community leaders, the inspectors, the police and all the people in the neighbourhood might strike a good, important step toward eliminating this problem.

My colleague from Timmins-James Bay doesn't believe in this bill. He wants to talk just for the sake of

talking. My apologies, but they're always negative. What's the next step? What are we supposed to do? Kill the people? Put them in jail right away? Destroy their houses? Well, this is a step. It's a democratic society; we have to go through bills, through laws, through legislation to establish some kind of mechanism. That's what we are all facing in this province: eliminating crime, eliminating grow-op operations, not just in Toronto but in many spots in this province. By working together as legislators and as the people of this province, I think we're going to achieve it, by having good faith in the government, by working together to achieve our goal: the safety and protection of our communities and a prosperous future for our province.

Mr. Bisson: On a point of order, Mr. Speaker: I want to make it clear that I was talking about Joe Kennedy, not Gerard Kennedy, when it came to bathtub gin.

The Acting Speaker: That's not a point of order, but you've made your point.

Further debate?

Mr. Chudleigh: This is a marvellous debate we're having tonight. This is better than most of the debates.

We all generally agree on the direction, but we have a lot of difficulty with how the direction is proceeding. The member from London—Fanshawe wants us to have faith. It is a little amusing when a Liberal in Canada today asks us to have faith, with what's going on in the press. It's asking a lot to have a little bit of faith.

Mr. Hudak: If you put the envelope down, you have faith that you might get the contract.

Mr. Chudleigh: Yes, if you make a donation to the party that's large enough, perhaps you can have a little faith that you might get a little business out of it. A \$1,000 donor is a piker. Your dinner, member from St. Catharines, I say with respect, was \$10,000—not yours, no, but your party's dinner. I don't think on our best day we ever had the nerve to charge \$10,000 for a dinner, but then, maybe you've raised the standard. Maybe next time, if there is a next time, there will be a higher stipend for dinners. However, perhaps the Liberals have a corner on that one; I don't think we want to go there. The average person in Ontario—I always like to have a \$2 breakfast, because that gets the people who are involved in our society involved in politics, and I think that's a very good thing to have happen.

Mr. Hudak: What do you get for two bucks?

Mr. Chudleigh: You get bacon and eggs. We have to subsidize it a little bit, but not much.

Hon. Steve Peters (Minister of Agriculture and Food): The best I can get is \$2.99.

Mr. Chudleigh: So \$2.99? Are those Ontario eggs you're serving, I say to the Minister of Agriculture?

Hon. Mr. Peters: Ontario eggs, Ontario pork.

Mr. Chudleigh: Ontario pork, Ontario eggs? Well, under your ministry, we're still producing those products in Ontario, and that's probably a good thing, for the time being. I hope you get some money into the hands of Ontario farmers, or there won't be much agricultural production in the future. If I were a farmer, which I've

always considered myself to be, and I was looking at producing crops in this province in the coming season and I looked at the price of corn and I looked at the cost of producing that corn, I might leave my farm fallow this year because I don't want to lose 50 cents a bushel on every bushel of corn I produce. And that falls in the lap of the Minister of Agriculture, who, I might say, is doing precious little to solve that problem.

However, we are discussing the grow-ops legislation. What's the name of this act? Bill 128, an interesting bill. As I mentioned when I first stood up, it's creating a lot of good debate in this House, perhaps better debate than we normally have on most bills, because people are putting forward positions that the government should listen to.

Something else I would note is that the Minister of Correctional Services has spent an inordinate amount of time in this House during this debate listening to what people are saying in this debate, and that says a lot about a minister. It says that he is interested in making this bill better than it is. And this bill, I think he recognizes, has to be a little better than it is if we're going to do anything to correct the problem that faces us in Ontario today.

Of course, the Liberal government is the one that brought in the legislation to increase the number of police officers in Ontario by 1,000; 1,000 new police officers in the province of Ontario. They made that announcement to some fanfare. It appeared in many of the publications and in much of the press across Ontario, and yet now we find that there is no funding for those 1,000 new police officers. Well, that's a bit of a sham, isn't it? You make a big announcement that there's going to be 1,000 new police officers, and yet there's no money to support that announcement. Now, the members opposite say that money will be coming before the end of the mandate—all well and good, and maybe there will be and maybe there won't be. This government does have a little credibility problem, so it would be nice to see that money flow. But maybe you should have waited for the announcement until you had the money. Building expectations is not necessarily a positive thing to do in Ontario when you pull back the purse strings.

This bill revolves around that problem as well, because although many people in Ontario are concerned about grow houses, many people in Ontario understand the problems that grow houses create in our society. They ruin houses. They create dangerous situations. People try to break in and steal the marijuana that's being grown, or they break in and try to steal the money that has been raised from selling the crop. Sometimes when they break in, they get the wrong house. Innocent citizens are being threatened or murdered when people are looking for money.

The member from Leeds—Grenville last week talked about the amount of money that comes from a grow house operation being in the millions of dollars—\$1 million for a reasonably sized grow-op operation, and that of course is cash money. You don't take that down to the bank and deposit it; you keep it someplace where the authorities can't find it. But the crime world knows that

money is around, and \$1 million is a lot of money in any world, especially the crime world, and they will go to some lengths to try to find it. Home invasions are one of the lengths they go to. If they get the wrong address, because all these things are passed by word of mouth and innuendo, an innocent citizen could be murdered, could be killed, when the money isn't forthcoming. Or if there's gunfire involved, an innocent citizen may be in the way of one of those bullets, which has perhaps happened in Toronto over the last few years.

2010

Grow-ops are a huge danger to our society and should not be treated lightly. If this government were serious about shutting down these grow-ops, they would put some money behind this problem, they would put some money behind the 1,000 police officers they've said they're going to hire and they'd put some money behind turning off the electricity. As the member for Timmins—James Bay mentioned, it ain't going to scare Al Capone. It's not going to scare Al Capone and it's not going to scare the operators of these grow-ops.

I don't know what percentage of these grow-ops are being busted. We read all the time about grow-ops being busted. What we don't know is what percentage are being busted. Is it 50% of the grow-ops being busted? I don't think so. Is it more like 10%? Maybe. But I think it's probably closer to 2% that are being busted.

The identification of these grow-ops—if the government was really serious about this. Anybody who has any experience in a greenhouse operation or in the business of growing things would understand that marijuana will grow best at 80 to 85 degrees Fahrenheit. I'm of that generation where Fahrenheit still means something to me. I don't use Celsius. What would Celsius be? That would be about 30 to 35 degrees Celsius. That's the best temperature to grow marijuana at. When that happens—

Mr. Jean-Marc Lalonde (Glengarry-Prescott-Russell): I wouldn't know. I've never grown any.

Mr. Chudleigh: If you had any experience in the greenhouse business, if you had any general knowledge about the greenhouse business and the production of food and the production of plants, you would understand that. You say, "How would I know?" like I'm a big marijuana producer. Innuendo from the Liberals; they're great at that. But if you had any knowledge about the subject, you would know that a temperature that high would create certain facilities around the house that it was operating in that are easily identifiable by technological means. In fact, from a satellite in the sky orbiting the earth right now, through NASA, you can have a heat sensory photograph taken. Any house that is above the average, that is radiating more heat from its roof or windows, can be considered a grow-op. If you really wanted to shut down the grow-ops in Ontario, you could avail yourself of that information and also hire the police officers to go in and bust those operations. You could shut down 100%, or very close to that, in Ontario if you were really serious about this business.

I suggest to the members in the House and the people watching that this government is not really serious about busting the grow-ops. I think this bill is fluff. It's not costing this government one cent. It's not putting any money behind this bill. It's just throwing it out there, saying, "Yes, we're concerned about it, but we're not going to spend any money on it." When that happens, that's too bad, because, as I pointed out earlier, this is a very serious business and it does affect the average citizen in Ontario.

Over the weekend, there was a shooting at Yonge and Dundas. This is an area that we all frequent. This isn't one of the high-crime areas of Ontario; this is right downtown where we all walk along the street, or our families might. This is a dangerous situation. Who's to say that that shooting didn't involve funds or money that came from a grow operation? Some of the characters involved in that shooting, by reputation or by innuendo—and it's just rumoured—might lead one to the conclusion that it did involve something of a grow-op operation.

It's time that the government of the day took this crime, this operation, very seriously, much more seriously than they are doing in this particular bill.

This bill amends the Crown Attorneys Act, which is another interesting part of this bill. The current act that they're changing is the Escheats Act. I'm not sure if you're aware of what the Escheats Act is—it's not something I was aware of myself until this debate—but apparently, when the government takes possession of a citizen's wealth or property, they dispose of that property through the Escheats Act. Until this bill is passed into law, that's how the province disposes of property. After this bill is passed, that property will be disposed of under the Crown Attorneys Act rather than the Escheats Act. I'm not sure I'm pronouncing that word correctly, but I think it's close. The lawyers in the room tell me it's close to the pronunciation.

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): You don't want to believe that, then.

Mr. Chudleigh: The member from Bruce-Grey-Owen Sound points out that you may not want to believe what the lawyers tell you it is.

It goes into special accounts. In today's Canada, most Ontario citizens are very concerned about money that goes into special accounts. How is that money spent, and why would they change it from the Escheats Act to the Crown Attorneys Act to dispose of that property when it's going to be deposited into special accounts? Well, that's a question that I think the auditor of Ontario should pay close attention to. In his next report, I would certainly like to see the Auditor General of Ontario refer to how that money was spent and why it was changed from one act to the other to purportedly do exactly the same thing as before. Why change it? Perhaps the auditor, in his next report, will look into that.

As we heard earlier tonight, we're also going to change the Electricity Act of 1998. This is almost humorous. We're going to change the Electricity Act so that after we find a grow-op, the police can turn off the

electricity, thereby shutting down the grow-op. Well, if you've found a grow-op, what's wrong with raiding the place and shutting it down that way? Why would we have the hydro people come in and shut off the electricity coming into the house? I guess the plants would die if it were wintertime; if it were summertime, it probably wouldn't make much difference. Why would they do that? Why not have the police go in and raid it? Well, maybe there aren't enough police to do that. Of course, if they supplied the 1,000 police officers on the streets that they said they were going to provide and funded them, then maybe that would work, and that would be a good thing.

The other thing about shutting off the electricity that concerns me is that the government is asking for permission to go in and shut off the electricity of a house that they determine is a grow-op. They don't need a warrant for that procedure. That's in the bill. When you don't need a warrant in this province, that's a very serious thing. That should raise your tentacles, as an MPP in this province. When you don't need a warrant to do something, that's an invasion of civil rights that is a very, very major thing to do. There are only a couple of things in the province of Ontario that the police are allowed to do without a warrant. One of them is our RIDE program, where a police officer can pull you over without cause, with no cause whatsoever—just pull you over and check you. That's an invasion of our civil rights, and you don't need a warrant for that.

2020

You don't need a warrant to shut off these people's electricity either. That's in the bill. Do you suppose the police will ever make a mistake? After they've shut off the electricity, if they have made a mistake, there is a clause in the bill that says you can go to the commission and ask them to reverse it—and you might actually get an appointment with the commission within 30 days or maybe 60 days. Can you imagine how hard your pipes will have frozen after 30 or 60 days in January, in Ontario, if somebody made a mistake and went in without a warrant?

Whenever somebody wants to do something in this province without a warrant, take issue with it, understand what's going to happen, because, by and large, it's wrong. This bill wants to do just that, and I say that's a very dangerous thing to do in this province. And it's not going to solve the problem, because if you're going to shut off the electricity, you've already determined that this is a grow house. You don't have to shut off the electricity—raid it. Take the police officers in and destroy the marijuana that's in there.

Mr. Bisson: Whoa, whoa, whoa.

Mr. Chudleigh: Of course, the NDP are in conflict with this one. They want to legalize the marijuana that's in there; they don't want to destroy it.

I say the government should get serious. If they are concerned about this problem—I pointed out this is a huge problem in Ontario and it puts the safety of citizens in this province in jeopardy—if they really want to solve

this problem, they can do so with existing technology, and they can do it very quickly and directly: heat detection units, flying the province with infrared cameras for outdoor marijuana production. You could shut this down if you had the will to do so. But I say to the people of Ontario, I say to the people in this Legislature, this government does not have the will to do that. This government is playing politics with a very serious problem in Ontario. Until you get serious about this, it's going to continue and build, and eventually people will die. After people die, then this government will get serious, and it will be too late.

The Acting Speaker: Questions and comments?

Mr. Bisson: I want to say those were some interesting comments. I just want to point out to the member that where I come from, if you were to turn off the electricity, the water would freeze in quicker than 30 days—maybe in 30 minutes. I just want to make sure you understand it's a little bit more critical in some of the other areas.

I think, yes, the Conservative member is right. The general sense of people as we look at this legislation is, "At the end of the day, am I going to vote against this?" Of course not. You're not really doing anything bad, you're not really doing anything good, but the issue is, are you really doing anything to deal with the issue of shutting down grow-ops?

The first point is—and I think we spoke to this earlier—that the federal government at this point is talking about decriminalization. If they are serious about decriminalization, then I think we should know that. It's incumbent upon the Attorney General to have some pretty serious discussions with his counterpart in the federal government to find out where they're going. If they're going to decriminalize a year down the road, what is this bill really going to do? It's going to do nothing. It's a little bit like repealing Prohibition and having a law on the books that says, "We can do something to go after the bootleggers." It won't mean anything. So, first of all, let's find out what the federal government is about.

I'm going to get an opportunity. Stay tuned to the same channel. About 10 minutes from now, I'll get to speak about what this bill would be like if you lived in the 1930s, during Prohibition; if your name was Al Capone and you made bathtub gin and sold bootleg beer. How would this legislation stack up in those days? I also talked about my good friend Mr. Joseph Kennedy, who was also in the business of making bathtub gin and selling beer, and how Mr. Kennedy—Joseph Kennedy, that is—probably would not have been too fearful of being caught if this legislation was applied to the whole issue of prohibition.

Mr. Crozier: To the member from Halton, I just want to clarify something, and that is that the local distributors already have the authority to shut off power. What we're doing is moving it from the Ontario Energy Board regulations into legislation so that it reinforces the power of companies to be able to shut it off. Rather than having to barge into the house, it can be identified sometimes from

outside the house that there is an illegal hook-up, and all they have to do is flick a switch. That takes away the threat of fire and the threat to neighbours, and then the police, through their warrant process, can come and raid the residence.

I was kind of with the member from Halton for some time, until he started to talk about how if you do things without a warrant, you're tramping on people's civil rights. I say to those who may not have been here a year or so ago that they were the guys who wanted to fingerprint social services recipients, for no criminal deeds that they had done. If there was ever an example of taking away someone's human rights, that would be it. So when you sang on one side that you were concerned about civil rights and on the other side that you might not be so concerned about civil rights, that's when I started to lose the member from Halton, and that's when I wasn't so sure that I was in agreement with what it was he had to say.

Mr. Yakabuski: I'm pleased to comment on my colleague from Halton, who raised many interesting points and issues with regard to Bill 128, which is commonly referred to as the grow-ops bill. The Minister of Community Safety and Correctional Services is very proud of this bill but, again, I say that it's more about appearance than it is about substance. The government is on a kick, if you want to call it, about trying to make sure they convince the public out there that they're doing something about all of the problems that ail us in society and are going to fix them all up by some wonderful piece of legislation. But in order to correct problems—and we all concede that grow-ops are a major problem in our society. The 248 that were dismantled in the city of Toronto in 2004 up till September only represent a small portion of the ones actually operating out there, so we all know that it is a serious problem.

But how are you going to correct that problem if you don't have the personnel on the street to determine effectively where these places are operating, and thereby have the tools to shut them down? Having the right to shut off power is fine if you're confident that you've got the right location in the first place. In order to do that, you've got to have the proper police surveillance techniques and tactics and the time invested to ensure that you're making the right call, so to speak.

Again, I think the government is on the right track with this bill. It's a good start, but we've so much to do. They've got to stop fluffing it out and really get some meat into the matter.

The Acting Speaker: Before I recognize the next speaker, I wanted to ask the honourable member that if he wishes to speak, could he sit down? It's a little distracting having him stand. I think he's trying to raise a point of order something.

Further questions and comments?

Ms. Horwath: It's my pleasure to make some comments on the debate that was presented by the member from Halton. I have to say that there are a couple things on which I agree with him wholeheartedly, and

one is that if this bill is meant to get tough on marijuana grow-ops or to get tough on crime in some way, it misses the mark enormously. Why does it do that? It does that because all it really does is reinforce existing procedures, existing powers, and increase fines in some small way. Anybody who is reasonably aware of what happens in these situations, anybody who has talked to their local police chief who's been dealing with these kinds of problems in communities, will know that this bill as it's written, Bill 128, will have very little effect on their ability to close down grow operations wholesale.

2030

Again, I would agree with the member from Halton that if that is the goal, then the government needs to reassess its broken promise around the 1,000 police officers in the province of Ontario, because that is where success will come from: those officers on the street identifying and bringing the resources to bear on the grow-ops to successfully close them down.

At this point in time, hydro can already be shut down, because what happens in the situation is the wiring gets rejiggered, and that's a health and safety problem. That's a fire safety issue, and hydro can already be shut down in those cases. The idea of a deterrent factor of fines just doesn't make any sense. We know hundreds of millions of dollars is being generated in these grow operations, so the fine deterrent simply doesn't wash. What would make a huge difference is, again, the commitment of police on the street. Otherwise, it's really not much of a bill.

The Acting Speaker: The member from Halton has two minutes in which to respond.

Mr. Chudleigh: I thank the members for their comments. The member for Essex seemed to be defending the fact that no warrant was necessary in this case because, "We would always do the right thing; you can always trust us to do the right thing." As trustworthy as this government might be—there's only been two or three dozen broken promises—we could be very concerned about the next government that comes in, and how trustworthy they might be. No, when no warrant is required for police action, all Ontarians should be very concerned about that action.

The member from Timmins—James Bay, of course, was eloquent. He asked you to stay tuned; he will be speaking on it. I'm sure it'll be an entertaining speech, talking about how Al Capone would have commented on the shutting off of his electricity when he was making brew. And, of course, he's going to refer to Joe Kennedy making bathtub gin. I should point out to the member that Joe Kennedy never made bathtub gin.

Mr. Bisson: He sold beer.

Mr. Chudleigh: No, Joe Kennedy imported scotch from Scotland and ran it through the Mafia in the United States. He got it into the country. He never made the booze; he imported the good stuff. The brand name that he imported, I believe, was Cutty Sark. It was what his son, who became president of the United States, always drank. He always drank Cutty Sark because his father had become rich on importing it illegally into the States. I

don't know if I'll hear from the lawyers or not, but that's the word that I understand. We wouldn't like that same kind of thing to happen in Ontario with this government's very weak legislation on grow-ops in Ontario.

Mr. Bisson: Mr. Speaker, could I have unanimous consent to get 20 minutes for my speech?

The Acting Speaker: We have a request for unanimous consent. Is there unanimous consent? I didn't hear a no. Go ahead.

Mr. Bisson: Thank you. I wanted to have 20 minutes because I have a lot to say on this particular issue. I first of all want to say, for those of you watching, that this is really an interesting bill. I promise that this is not a prop, Mr. Speaker. I want you to look at it. It is the legislation. It is entitled An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities. This is all about those people out there who decide to make a living at basically growing marijuana inside their own homes, or somebody else's home if they happen to be renting, or let's say Molson Breweries or Labatt's. Which one was it?

Mr. Hudak: It was Molson.

Mr. Bisson: It was Molson Breweries.

I want to point out that illegal growing of marijuana in Ontario and across Canada is a big business, but I wouldn't argue it's as big as the business that developed under Prohibition in the 1930s, when we made alcohol illegal to be consumed in both Canada and the United States. That's what I want to talk about as I compare this particular bill to where we would be under Prohibition.

Imagine. I want you to set this as a scenario: Here we are today in the year 2005. The Liberal government has legislation before us that says we are going to do a number of things to put the grow-ops, those people who grow marijuana illegally, out of business. It's akin to what used to happen under Prohibition. Now, remember, there were people like Al Capone and—who was the guy in Hamilton?

Ms. Horwath: Johnny Pops.

Mr. Bisson: —Johnny Pops in Hamilton and a whole bunch of other people who basically made millions of dollars selling alcohol to working men and women across Canada and the United States during the Prohibition years. It was big money.

The Temperance League came together and said, "We're going to put an end to alcohol. We're going to make it an illegal substance within Canada and the United States." Out of that grew a very large business. Organized crime became organized under Prohibition, if you remember. The Mafia, as it's called today, the Cosa Nostra, and other gangs under Bugsy Siegel and—what was the other Jewish family in New York? I'm trying to remember the name. It'll come to me a little bit later. Hansard would know this. All those big bosses inside the organized crime syndicate family got big, got rich, out of Prohibition.

I want to ask members of this assembly and those people watching this debate tonight—I know there are many. I know my mother is watching. My mom always watches question period. She always watches this Legislature, especially when Sonny's on. Sonny's on, so I've got to believe she's watching.

Anyway, imagine we're in Prohibition days and the government of the day comes forward and says, "We have legislation, ladies and gentlemen of this great land, to put the bootleggers out of business. Here's what we plan to do: The first thing we have in our legislation is that we're going to give building inspectors the authority to go in and inspect buildings if they're unsafe." Whoa. Al Capone is shaking in his boots. The mob is going, "Oh, my Lord. They can't do that. Those building inspectors in cities and towns across Canada and the United States are going to have the right to come in and inspect the building. My Lord, we're going to be out of business."

When they come inside the building, the inspectors are going to have the right to do the following: They're going to have the right to inspect the building to determine if it is unsafe, and if it's found to be unsafe—here's the kicker in the legislation—"to require the inspector to issue an order setting out the remedial steps needed to make it safe."

So Al Capone is running a brewery, brewing booze somewhere in Chicago, and all of a sudden the city of Chicago sends out the building department. The building department goes knock, knock, knock, "Al Capone, open your door. We're coming in." So the inspector walks into the building: "Oh, look at that. That is an unsafe door. That is an unsafe window. That electrical outlet has to be changed," and writes up an order. Al Capone has to fix the building because it's unsafe to the workers who are making the booze and the beer inside that building.

I'm telling you, Al Capone is flipping in his grave. He's thinking, "My Lord, if Eliot Ness had done that, he would never have had to do anything else." Well, do you think Al Capone would have been afraid of some legislation that says we're going to give building inspectors the right to inspect a building and see if it's unsafe, and if it's unsafe, the building inspector has the authority to issue an order to fix the building so those workers inside the building—who, by the way, are making illegal booze—are safe when they're doing it? It's laughable. I really have to laugh at it. Al Capone and all those people during the Prohibition years who were in the organized crime syndicate family would not have been too afraid of this particular piece of legislation if that was put forward.

2040

There are really three things this legislation does. So far, as they say in baseball, strike one. So now here comes Mr. Bryant. He's up at the plate. It is his bill, I imagine, right? Oh, it's Monte Kwinter; the relief pitcher is in for the Dalton McGuinty Liberals. He puts out the first pitch and it's strike one. Here we are. So Mr. Kwinter comes back and he has a second baseball to pitch. Here is what he is pitching to Al Capone and those

people in Prohibition who are selling booze illegally: They're going to increase the penalties if you get caught. Do you think that Al Capone, as my good friend from Hamilton East says, really would have been afraid of increased fines? You can double the fines. The issue was that they made millions of dollars. It wasn't fines that, in the end, shut down Al Capone and a whole bunch of other people; it was putting cops on the street. It was giving Eliot Ness and the FBI and the local police authorities the bodies they needed to do the investigations that need to be done to catch these people. The lawmen of those days were clever, and they used income tax law to get Al Capone in the end. In many other cases, it was by investigating other criminal acts that they caught some of the people and put them behind bars. It was never always just because they were selling illegal booze.

So to the government across the way, if you're pitching this as your second pitch, your baseball team is in a lot of trouble. I've got to tell you, Al Capone is not worried about the second pitch. He says: "Come on, throw it by." A swing and a miss; here we go on the second one. So Al Capone is not out of business yet.

Then we come up with the kicker of all kickers: We're going to say to Al Capone, under the section of this act if it had been applied to the Prohibition years, the following, under the Electricity Act, 1998: "to allow distributors to shut off electricity to a property without prior notice if they have reason to believe that there is a condition in respect to the property that threatens, or is likely to threaten, the safety of any person or the reliability of distribution systems."

It's a little bit like the building inspector. They have the right to turn off the power if they think there's something unsafe about the operation, in other words, if there are electrical cords that are dangerous and somebody might get zapped, or light bulbs hanging by a thread or some unsafe condition in the building in which the grow-op is operating, or in our case, with Al Capone, in the brewery. There's something unsafe about the wires. It gives the authority to the people selling the hydro the threat to turn off the electricity. Do you think Al Capone would have been worried about that? He would have been worried not a bit. He would have said: "Listen, at the end of the day, this doesn't scare me too much. All I have to do is pick up and go somewhere else"—which they did. How many bathtub gin places did they bust and how many breweries did they bust and how many kegs of beer did they smash, and what effect did that have overall? It didn't have any. Consumption increased over the years of Prohibition and we were no further ahead as a result of those activities. But Al Capone would have been told, "If we find there is an unsafe wire inside your brewery, we can shut you down."

The second part basically says—and this is the one that I thought was interesting—if it affects and makes unsafe the distribution system. That means if you're drawing so much juice in the house that you might end up blowing the transformer outside on the pole, then that's another condition by which they can shut down the

electricity to the grow-op. I say Al Capone wouldn't have been too worried about that. Al Capone was a clever guy. The police tried to lock this guy up and charge him. How many years did they try to get this guy? They just couldn't do it until finally the government made it a priority. What did the government of the day do? They went out and hired some cops. They said, "Let's put some cops on the street and let's observe what this guy is doing. Let's keep an eye on him, find out who he is talking to and develop the networks necessary to get the information we need to figure out how we can catch this guy." Do you think Eliot Ness thought he was going to catch him on income tax evasion? He never thought that at the beginning. He thought, "We'll catch him as a partner in some kind of crime." This guy was pretty brutal; he was known to have done a lot of brutal things. They figured they'd get him on that. But because they had the amount of police officers on the street working with Eliot Ness—do you remember that show? Eliot Ness in the 1950s and early 1960s. I remember that show real well. I used to watch that all the time. Eliot Ness was quite the law guy. Anyway, what was a young Canadian kid watching that kind of show for in the first place, is my question. But that's another story.

Mr. Hudak: Was it on CBC?

Mr. Bisson: Yes, it ran on CBC, actually. It was about the only channel I had back home, so it had to be on CBC. CFCL television, that's what it ran on. Anyway, I'm digressing.

My point is they put the cops out on the street and they said, "We're going to go out and investigate." As a result of a long and very expensive investigation—we're talking about spending, at that time, comparable to today, millions of dollars—in order to find out that they had the grounds to convict this guy for income tax fraud. That's how they got Al Capone in the end. My point is, you're not going to do a heck of a lot to shut down grow operations by saying, "We're giving building inspectors the authority to go in and inspect unsafe buildings. We're giving hydro inspectors the right to go in and inspect unsafe buildings and then to shut off the power, because it's either unsafe to the distribution system or to the house, or doubling the fine." The way you're going to shut off grow-op operations is to do what Eliot Ness did: Go out and investigate. Give the resources to the police officers to do what it is that they have to do so they can observe, they can figure out who's doing what and then they can go at the proper time and bust these people. But your legislation doesn't do that.

Here's another one that I thought was rather interesting in this legislation. In one of the sections of the legislation, we're making amendments to the Municipal Act. I understand why the government is doing that. They're saying, "If we seize something under this act, we want to be able to use the money and dispose of it within special accounts of the Ministry of the Attorney General or the Solicitor General so it goes back into law enforcement." That's not a bad idea, not a bad concept. But I thought this particular section of the bill was rather

interesting because it says, "The Attorney General is permitted to collect personal information under these acts for limited purposes." I just want to ask, is that necessary? Probably. I would argue that it's probably not a bad thing. But I find it highly interesting that the government now introduces this in their legislation, when they were opposed to such concepts when the Tories did it in their legislation, the Remedies for Organized Crime and Other Unlawful Activities Act, back in 2001. I remember; I was here. There were great speeches by members on the other side, who are now in government. I remember quite well the now Attorney General, for one, getting up and saying that what the Conservative government was doing was unconscionable and that it was taking away people's civil rights. I thought I was going to believe you. I said, like a whole bunch of other Ontarians, "The Liberals are on to something here. They're making a little bit of sense on some issues, for a change."

We find out, like on all other issues that Dalton McGuinty has had since he's come to office, that he's broken another promise. They said prior to the election that they wouldn't do this kind of thing, but here it is in this legislation. They're prepared to do exactly what the Conservatives did in their legislation by giving the police the ability to investigate people—and I can understand why they want to do that—but it's a different position from one side of the aisle to the other. I say to the members across the way, my good friends in the Liberal Party—and some of them are really friends and some of them are really good friends—this particular bill is really not going to do a heck of a lot.

The last part of what I want to talk about in this particular speech is this: The government, since it's come to power, has introduced all kinds of legislation in this House. Being the whip for the New Democratic Party, I have the opportunity to attend House leaders' meetings where we decide every week how legislation is going to come through this House. I just want to say that the order paper, since the fall of 2004, has not had a lot of real, substantial legislation on it. These are the kinds of bills we're dealing with: bills that purport to say something and do something but, at the end of the day, don't mean a heck of a lot.

It's a little bit like this: Imagine you go out and buy a can of peaches. They're not really good peaches. They're not peaches from Ontario; they're peaches from somewhere else. The juice is not very sweet and the peaches aren't very good. You've got this empty silver can and you want to put a label on it. This government is saying, "Here's a nice label. We'll put a nice label around the can and everybody is going to like our peaches." The problem is, as you open the can and you get past the label, you start finding out that the peaches aren't very good.

It's kind of the same thing with their legislation. We've had legislation that deals with very important issues like pit bulls. My Lord, how much time did we spend in this House and in committees dealing with pit bulls? I don't disagree that we have to deal with dan-

gerous dogs. I think it's a pretty simple issue. We already have laws on the books that deal with dangerous dogs. What we have to get our minds around is, what kinds of things can we do as a Legislature to make owners more responsible? Are there things we could have done in order to say how we deal with dangerous dogs? No; instead, what we said was, "My Lord. We're going to ban pit bulls in the province of Ontario." There's a pit bull that lives next door to my place at the office, and I've never seen that poor little pit bull do anything but what every other little puppy does. I'm not saying that they're all safe dogs, but my point is, why just ban one breed of dog? There are other dangerous dogs out there, and what we need to do is make the owners of the dogs liable.

2050

We look at other legislation that this government has brought forward, and it's much of the same. It's like this grow-ops bill where we say that we're going to do something in order to give people the feeling that the government is doing something really great. When you look at the bill, as we have tonight in this debate, the bill doesn't do much of anything. Instead, quite frankly, what we ended up with was a government that purported to do one thing on the opposition benches, continued saying they would do those things once they were elected, and then, after they got elected, started breaking all their promises. They're saying, "How are we able to communicate with voters in a positive way?" and so they bring bills like this that have great titles on them, that speak to an issue that's probably, for some people, important enough but when, in the final analysis, you look at the bill, it doesn't do a heck of a lot. As I said, I don't think the legislation, at the end, is really going to do what this government purports to do.

I'll end on this note. I started my—

Mr. Hudak: You're finished already?

Mr. Bisson: It's already at the end of the 20 minutes. Can you believe that? But I just want to end on this note.

Mr. Norm Miller (Parry Sound-Muskoka): Maybe they should give you another 20.

Mr. Bisson: I could ask, but that'd be pushing. That would be pushing it.

I said at the beginning of this speech, "Let's look at this legislation from the perspective of the time of Prohibition." Looking at this legislation, I think that most fair-minded people would say this: If Al Capone, who set out in the business of making beer and selling beer and alcohol during Prohibition years, had had to look at this legislation at the beginning of his career selling beer and booze, I don't think it would have done an iota of anything in order to say that Al Capone was deterred from being in the business of selling alcohol and beer to the thirsty people of the 1930s. So I say to the government, this bill is basically the same thing. Al Capone wouldn't have been too worried. I don't think those people out there who are operating grow-ops today are going to be terribly excited when it comes to this particular legislation. In fact, if you look at two of the provisions in this bill, the one about the right to turn off electricity and the

other one to inspect, by and large, we already have those rights now. Electricity regulations are now under the OMB; all we're doing is putting them in legislation. The police already have that tool, so we know it hasn't worked and it hasn't done anything because it already exists.

On the issue of being able to go in and inspect buildings, yes, there's a higher test. As my good friend from Hamilton East, a former municipal councillor, has told me, we have that right now for building inspectors, but there's a fairly high threshold about when you can enter a building. You can argue that they're getting a little bit more authority but, at the end of the day, that in itself is not going to deter people from growing marijuana inside their particular grow-op operations.

Mr. Speaker, I want to thank you for this time. I want to tell you that it was a pleasure and an honour to speak for 19½ minutes on this particular piece of legislation. I want to tell you that when this legislation comes forward for a vote, I look forward to seeing how members are going to vote on this legislation, but particularly I'm interested in what happens when this bill gets to committee, because I would guess that when it gets to committee, there will probably be some fairly interesting recommendations from the officers and police forces who are out there doing the work about what we can really do in order to deal with this issue if we were really serious.

On the last point, the federal government's going to be dealing with this by way of decriminalization, so we'll be right back where we started from. Imagine, back in Prohibition days, saying, "We're lifting Prohibition but we're allowing Al Capone to keep on selling the booze." That's basically what this legislation does. It says, "We're making it a prohibition for people to sell marijuana." If the government decriminalizes, we're still going to have the same people selling this stuff, so what does it give you in the end? I don't know.

The Acting Speaker: Questions and comments?

Mr. Lalonde: I was listening to the member from Timmins—James Bay's comments right after I listened to the member from Halton and also the member from Pickering—Ajax—Uxbridge. Let me tell you, the member from Pickering—Ajax—Uxbridge was right, but both of you missed that when we say we will amend the Electricity Act, this would give the power to a building inspector to enter a building. It's very clear on page 2: Clause 2(2)(1.1) will permit an inspector to "enter upon land and into a building at any reasonable time without a warrant for the purpose of inspecting the building." We know that up to now we didn't have the proper tools to have an inspector or a municipal electrical commission go and inspect a building.

If you look at your electricity bill, you've got the number of kilowatt hours multiplied by, sometimes, 1,092. That 92 is loss of electricity. At the present time, there are a lot of marijuana growers who are bypassing the meter, and there's nothing we can do. It's true that it's sometimes costing millions of dollars to get the police to investigate, but this bill would give us the pow-

er to go into a building and find out why the lights are on all night. These are, most of the time, marijuana growers, and all the households within the sector are paying for the electricity used by those marijuana growers.

I have to congratulate the minister on having the initiative to come up with the bill.

The Acting Speaker: Further questions and comments? The member from Grey—Bruce—Owen Sound.

Mr. Murdoch: We put "B" first—Bruce—Grey—Owen Sound—but that's OK.

I'm glad to have a couple of minutes to talk on the eloquent speech by my friend from Timmins. You have it right on: There's something wrong when you've got a government that wants to just come charging in without a warrant. They've got a hidden agenda in this whole thing. There's obviously got to be something.

It's just strange that the Liberals of all people would come up with this. They might want to blame us or something like that, but for the Liberals to do this—I mean, they're spinning around. They got elected—or maybe they're trying to find out whether they really got elected, because every time I listen to them, it sounds like it's still our fault and we're still running the government. This is something that maybe they're trying on their own. But I think it might backfire on them a little bit.

After listening to the member from Timmins—it's unfortunate you only got to watch that one movie, but I can understand that. I come from Owen Sound. We didn't have a lot of channels either, back when you and I were a little younger, and we'd have to watch movies like that also.

Mr. Yakabuski: How old are you, Bill?

Mr. Murdoch: Well, we won't get into that—they want to know how old I am—that might take a long time. We'll talk about this bill a little bit, though.

Mr. Jeff Leal (Peterborough): Did you have rabbit ears on the TV?

Mr. Murdoch: Yes, I remember the rabbit ears, and maybe that's when Al Capone was doing his thing.

We have a concern about this bill. You're going to allow the inspector to go in, but why would an inspector go in if he thought it was a bad place anyway? Why are we making a bill that will allow the building inspector to go in if he thinks the house is falling down? What was he doing? He should have been doing his job anyway.

The same with electricity: They shut power off all the time. If somebody doesn't pay their bill, it doesn't take them long. The problem is getting it back on.

This is like window dressing. The only thing I can say is that it's something they're doing, for a change, and they can't blame us, for a change. We'll have to just see how this turns out.

Ms. Horwath: It's certainly my pleasure to make some comments on the excellent speech by my friend from the riding of Timmins—James Bay. I have to say, the whole time he was talking about Al Capone in the context of Prohibition reminded me of some of the famous people in my own community during that time; namely, Johnny "Pops" Papalia, a very famous rum-

runner and a member of the organized crime families in Hamilton. In fact, he is quite well renowned for the illegal work he was doing in terms of shipping rum, particularly to the United States, across Lake Ontario from Hamilton harbour.

2100

Interestingly enough, though, I would agree with the member from Timmins-James Bay that if, in Bill 128, the government is purporting to address the grow-op situation, what they're not looking at is the fact that fines will largely be ineffective, and that inspectors are currently able to inspect and so any extra powers in regard to inspection really don't amount to much in terms of helping with this particular problem.

I was a little bit nervous about the comments from the member for Glengarry-Prescott-Russell, because he made it sound like, instead of using police to do police work, we're now going to be using hydro inspectors to do police work. That makes me a little bit nervous. Nonetheless, the issue around cutting off hydro—we know that can happen currently. As soon as there is a suspicion that hydro is being stolen or inappropriately utilized by any particular user, Hydro can shut them down. So that's currently not a problem. This bill will really not do much to change the existing situation. Really, if you're going to go after the grow-ops, you need the resources within the policing realm. I think my colleague from Timmins-James Bay made that clear. If the government was serious, they would do that. But really, we need to look at the context, and that's what the federal government is doing.

Mr. Leal: It's indeed a pleasure to listen very intently to my colleague the member for Timmins-James Bay talking about Bill 128.

I'll certainly say hello to Chief Terry McLaren, the chief of the police force in Peterborough, and his deputy Ken Jackman, both very good and close friends of mine. They're certainly interested in Bill 128, and I'll tell you why. It's not just a question of talking about 1,000 police officers and personnel. This is about getting to the cause of the crime and deterring it before it happens. I think this is a component of this bill that really hasn't had an opportunity to be discussed at length. It's one of the essential components of this bill that I think is very important: to get to the heart of the matter before it happens.

I know the Minister of Community Safety and Correctional Services, the member for York Centre, has certainly taken it to heart—he is listening—because we see the scourge of marijuana grow-ops. I come from a riding that's 60% urban and 40% rural. These marijuana grow-ops have cropped up on some of these quiet back roads in rural Ontario. Indeed, when you talk to police forces, I think this bill is a very important start in trying to deter this kind of crime that's at work here. To the member for Essex, I know from my experience with the electrical distribution situation in Ontario that indeed they have the power to effectively cut off electricity to make sure these things don't occur. I thought the member for Halton raised a reasonable point with regard to sat-

ellite tracking. But this bill is a great start in closing down marijuana grow-ops in Ontario.

The Acting Speaker: The member for Timmins-James Bay has two minutes in which to respond.

Mr. Bisson: I want to thank all my good colleagues here who had an opportunity to respond. I just want to remind you that if it comes to fines as a deterrent to doing something, why are there still people speeding on our highways? The reason people don't speed is the fear of getting caught, and the only way you're going to do that is to put additional police officers or photo radar out on the roads so people get caught. That's why people stop—

Interjection.

Mr. Bisson: I'm just saying that it comes down to the issue of getting caught. In order to make fines a deterrent, you'd have to have fines so big that you'd bankrupt somebody; then maybe they'll think of not doing it. But doubling the fines isn't going to do it.

I just want to come back to what I've been saying all night on this particular debate, as it relates to our good friend Mr. Al Capone back in the Prohibition years. Al would not have been too afraid of this legislation if you had introduced it. Our good friend and not-esteemed colleague Mr. Al Capone went into the business of selling alcohol. Why? Because he was able to do it and was able to make a profit, and he was not too worried about getting caught. That's why he went into the business. If you look at this particular piece of legislation, I'll tell you, at the end of the day, Al Capone or anybody else in the Prohibition days who was selling alcohol to people who wanted to buy it would not have stopped selling alcohol on the basis of legislation like this. At the end of the day, the lawmakers got it right. They said, "Let's lift Prohibition." At the end of the day, you can't control people's behaviour when it comes to the consumption of alcohol. The alcohol sellers, the bootleggers, can triple the price for alcohol and people will still buy it. You can double and triple the price for the fines or do whatever you want, but at the end of the day it's still going to happen, which brings us to the debate on decriminalization. I have not made up my mind on that issue, but I understand that it's akin to Prohibition and the lifting of Prohibition. I just say to the members across the way that this legislation does not do very much to deal with the actual issue of closing illegal grow-ops.

The Acting Speaker: Further debate?

Mr. Miller: It's my pleasure to join in the debate this evening on Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities. We're probably all in favour of controlling marijuana grow operations, particularly, as mentioned on the cover of this bill, because organized crime is involved with marijuana grow operations.

I note that our critic in this area, the member from Simcoe North, Garfield Dunlop, has commented on this

bill. He's happy to see that the government is finally introducing a community safety bill after 18 months. This is the first community safety bill we're seeing from the government. But what's really needed to deal with crime issues and with marijuana grow operations is for the government to come through on their election campaign promise of 1,000 new police officers. I happen to have a copy of the campaign document from 2003 on safe communities, *Growing Strong Communities*, at www.ontarioliberal.com. In the "Getting Tough on Crime" section, it says, "We will put 1,000 new officers on the street for community policing." Maybe I can ask my colleagues: Do you know how many new officers are on the street?

Mr. Hudak: None in Niagara.

Mr. Chudleigh: Zero.

Mr. Miller: I think I'm hearing a big zero from around me. That is the case, that there have been no new police officers of the 1,000 that were promised during the October 2003 election. I know there have been some announcements about some funding.

Mr. Yakabuski: Are you saying they've broken a promise?

Mr. Miller: Until we see it's completed, I think it's safe to say it's broken.

They have announced \$30 million toward part of the cost of new police officers, but the fact of the matter is that the real cost is something like \$100 million, not \$30 million, and it requires municipalities to participate. I'm the critic for northern Ontario. In northern Ontario the municipalities tend to have shrinking tax bases and are just not able to afford to put their share of the money required toward these new police officers, so we haven't seen any of these new police officers. That's the most effective way to deal with criminal activities, particularly activities that involve organized crime.

This bill requires allows some municipal officers—the electrical inspector and the building inspector—to go into homes where they see extra electricity being consumed or a building violation, but that may be putting those municipal officials at great risk, and I am worried about that. It also doubles fines under the Fire Protection and Prevention Act, under the Ontario fire code.

This bill is a small step, but it's really about appearance, not substance. It's not very practical and I doubt it's going to accomplish that much. As the member from Timmins-James Bay mentioned, it's like many of the bills that have been debated in the Legislature: It's not really going to accomplish a heck of a lot. A lot of the bills are fluff bills, really. They look good on paper and from a distance, but when you really start getting into them, they are either bad bills or they don't accomplish anything. He mentioned the case of the pit bull ban. I would have to say that's just poor legislation. It doesn't deal with the issue of dangerous dogs. The shame with that one is that we went through a process of four days of public hearings, we had hundreds of expert witnesses—veterinarians, humane society people; experts from the United States flew up to testify before the legislative

committee—and unfortunately the government didn't listen to any of that expert-witness testimony that came before the committee. They just went ahead with a bad bill, a flawed bill. That's the case with many of the bills the government has been putting forward.

2110

Grow-ops are a serious business. They're often tied to organized crime. That's why I think the best way to deal with them is really to hire more police officers.

Some of the dangers with grow-ops: The likelihood of a fire is 40 times more than for the average home. Last year it was estimated that in York, Peel and Waterloo regions combined, 17% of grow-ops were located within 500 metres of a primary or secondary school. There are a number of children residing in grow-ops. In 2000-03, 995 children were reported residing in dismantled grow-ops. There is violence and there are homicides related to grow-ops. We just have to look to Alberta on March 3, 2005, when four RCMP officers were killed. That's why I say the idea of sending in a municipal electrical inspector to shut off the power could be putting that municipal official in a very dangerous situation. There certainly are financial ramifications with grow-house operators using large amounts of electricity, routinely stealing that from Ontario's electrical utilities.

The RCMP has been doing a lot of work on grow-ops. There was the Green Tide report from the Ontario Association of Chiefs of Police, which referenced a 253% increase in the number of dismantled grow-ops between 2000 and 2002. In 2001, the Toronto Police Service dismantled 33 indoor grow-ops, and in 2003 that number rose to 140. So the police have been achieving some success in shutting down grow-ops. That's why the point I made earlier, to increase the number of police officers, would probably be the most effective way you could deal with this problem.

Mr. Hudak: How many police officers?

Mr. Miller: As I mentioned, the government promised 1,000 police officers, of which I don't believe any have been hired. I'd love to hear one of the Liberal members tell me I'm wrong, but as far as I know, none have been hired so far.

By 2004, the police dismantled 248 operations with a street value of more than \$83.2 million. So they are having some success, but despite their best efforts, grow-ops do remain a real problem. So we have Bill 128, and I certainly recognize there is a problem with grow-ops.

Bill 128 amends various acts in order to allow a local hydro distributor to disconnect hydro without notice in accordance with a court order for emergency, safety or system reliability reasons. I would say it would be safer to send a police officer in first, versus sending the local hydro distribution representative.

It requires building inspections of all homes that police confirm contain a grow operation. Once again, I think it makes more sense to send the police in first to shut down the operation.

It doubles the maximum penalties under the Fire Protection and Prevention Act, 1997, for any contraventions

of the Ontario fire code, such as tampering with wiring that would cause excessive heating and possibly lead to a fire.

It would set up a special-purpose account so that the proceeds of grow-ops and criminal activities can be spent on enforcement, crime prevention and compensating victims. I agree with that part of the bill. That is something that makes sense. The proceeds from this criminal activity should go to benefit victims and those who have been affected by crime.

Interjection.

Mr. Miller: I hear one of my colleagues commenting from the side that it goes into a special account. When we see what's going on in Ottawa these days with the Gomery inquiry, special accounts and Liberals make me very nervous. What is going to happen with that money? Is it going to end up being funnelled back into the Liberal Party of Ontario?

In the last minute I have left, I think the best thing we can do to try to combat grow operations is to hire more police officers. We need tougher federal rules. We need to learn from the 2003 Ontario Association of Chiefs of Police report, *Green Tide: Indoor Marijuana Cultivation and its Impact on Ontario*. They recommend that the severity of the punishment should reflect the impact of the crime. There's a definite link between organized crime and grow-ops. This also shows that these grow-ops fund things like cocaine and Ecstasy trafficking as well.

So, in conclusion, hire more police officers. That would be the most effective way to deal with this problem of grow-ops. Follow through on your campaign promise and hire those 1,000 new police officers.

The Acting Speaker: Questions and comments?

Ms. Horwath: I think the comments from the member for Parry Sound–Muskoka were right on the mark, and I say that particularly when he described the bill as being not much more than a piece of fluff. Why is that? That's because when you look at the bill and all the pieces to it, it really doesn't do much more than what currently exists, except for perhaps the doubling of fines, which we all have indicated quite clearly and I'm sure we believe is not going to be an effective deterrent to grow operations, particularly because there's so much money in these illegal activities. It's just so lucrative for the people who are undertaking this criminal activity that the doubling of fines really will have no effect.

I think it's really important once again to reiterate that within the context of what's happening at the federal level around the discussions of decriminalization of marijuana, this bill at this time simply confuses the issue. If the federal government continues on this path that it's on right now in regard to decriminalization, Bill 128 will in effect be moot. Why will it be moot? Because the government will, de facto, become involved in the regulation, control and distribution of marijuana. They will be decreasing, as a result, the profit motive that currently exists within the illegal industry. Then exactly what happened after Prohibition ended will happen within the realm of marijuana; the sale and production of

marijuana will be like the sale and production of alcohol was. In other words, it will be something that no longer creates tons of profits for an illegal underground economy and for organized crime and biker gangs. It will become something that is controlled by government, and thereby Bill 128 will be moot.

So at this point in time, Mr. Speaker, I thank you for the opportunity.

Mr. Phil McNeely (Ottawa–Orléans): Running a grow-op is a criminal activity, plain and simple. Often it's the most vulnerable who are forced to live and work in them, sometimes with their children, in unhealthy and dangerous conditions. We recently had a major grow-op discovery in a residential community in Orléans. If a grow-op can exist in a vibrant and family-oriented community like Orléans, it can exist anywhere. When the police raided the house, nearly 1,500 marijuana plants and \$10,000 worth of equipment were found. The street value of this marijuana is estimated at \$1.4 million. That was just a few weeks ago.

That's why the McGuinty government is moving to take action against those responsible. I'm confident that Bill 128 is a good first step in a comprehensive strategy that will protect Orléans and all of Ontario. This bill would move us in the right direction, keeping our neighbourhoods safe and protecting the innocent from becoming the victims of illicit drug networks.

I'd like to respond to the member for Parry Sound–Muskoka. This government is doing the right thing. The legislation is a first step. Green Tide, government, the private sector and police are meeting regularly to discuss what more can be done and to provide advice to government. We're committed to funding enforcement. Marijuana grow-ops and organized crime is one of the targeted special areas identified by the Premier at the OACP Vision Conference when he announced the 1,000 officers. Education is a big step, the first step in a series of government actions. It's a complex issue involving a number of different stakeholders. The problem grew out of control under the Tories and they did nothing in eight years. That's what we're facing now, and we're going to get control of it. It won't be solved overnight, but we're the first government to take action.

I know that this bill is not the ultimate solution to the problem of grow-ops, but I do know that supporting this bill is the right thing to do to start fighting back against growers and start protecting communities and victims. I urge everyone to support this bill.

2120

Mr. Yakubski: I think we've made it clear on this side that in principle we do support the bill, but it's so weak in some of its responses to the problem.

The member for Ottawa–Orléans just talked about a major raid resulting in the seizure of some millions of dollars of illegal drugs. Of course, who made that raid but our police forces?

Mr. Murdoch: Not the building inspector?

Mr. Yakubski: No, it wasn't the building inspector. You see, when those police forces go in and make that

raid, they are armed. They're not armed with a linesman's pliers or a screwdriver to shut off some switch at the hydro pole or at the transformer. I'll tell you, this is organized crime operating some of these grow-ops. If they see some linesman up on the hydro pole, he'd better be well protected with a flak jacket or something, because these people are going to protect those resources; they're going to protect their millions of dollars' worth of illegal drugs. If you're going to be fighting crime in this country and in this province, you fight crime with police. You don't fight crime with a pair of pliers.

The government seems to think that if they have the electrical people shutting off power, they're going to solve the problem. The way you solve the problem is having the proper police resources in the right places at the right time doing the right kind of police work to determine where these illegal operations are going on and shutting them down. You shut them down and you get these drugs off the street, but you don't put the onus on a hydro worker to go shut off the power when the guy inside the house might be packing a 7mm or more, some kind of submachine gun or something. This seems like a pretty dangerous way to be dealing with it. We've got to put the police on the street and get them shutting down these illegal operations, and thereby make our streets safer.

Mr. Lalonde: This is exactly the confusion that everybody was going through in the past. Today, with this bill, it would give the power to the building inspector to enter any building where the chief building official has identified that there is something going on which is not too catholic, as we always say. This way, it will authorize the building inspector to call in the police, instead of having the police stand by for weeks and weeks watching the operation. They will have the power to go in and tell the municipality and the police that there's something illegal going on. We will have the necessary tools and it will be an economy. We won't need any additional police.

The fact that we haven't hired those police they're referring to is because you left us with a beautiful gift of \$5.6 billion in the red, when you were saying you had balanced your books. You never did. When they say that we haven't told the truth, I think somebody else didn't tell the truth to the people of this province. We took over with a \$5.6-billion deficit, but we said that we'll make sure we do have at least 1,000 more policemen on the

road by the end of our mandate, and this is exactly what we are going to do. Again, Bill 128 will give us the necessary tools to proceed without exaggerating expenses.

The Acting Speaker: The member for Parry Sound-Muskoka has two minutes in which to respond.

Mr. Miller: I'm trying to imagine the building inspector trying to get into the building while the linesman is up the pole. Hopefully, they are going to have their SWAT training before they attempt this.

Seriously, we've seen what happened out west, where the four police officers were killed. There's a lot of value in terms of the crops they're growing in these places and there's a strong likelihood that the criminals who are growing these crops are going to protect their crops. There's a good chance they may booby-trap the place they're growing this crop. There's also the possibility for toxic chemicals. So I would suggest that the police would be the first people who should be entering the building, not the building inspector or the electrical people.

I'd like to thank the member for Hamilton East for talking about this bill and how it's a fluff bill; the member for Ottawa-Orléans for adding comment; the member for Renfrew-Nipissing-Pembroke; and as well, the member for Glengarry-Prescott-Russell.

The member for Glengarry-Prescott-Russell talked about the \$5.6-billion deficit. I have to say that you've been the government for 18 months now. In the past year there's been a \$7-billion increase in revenues to the province. We aren't really sure what the deficit is for the year that just ended, March 31, but I don't think it went down. I think you knew about it before you ran in October 2003, because I heard Gerry Phillips in June 2003 talking about what he thought the deficit was. The fact of the matter is, you've been the government for 18 months. You had a \$7-billion increase in revenues, and the deficit has gone up. So stop blaming the past government and just run the province of Ontario.

This is a fluff bill. It's a small step. We'll probably support it, but what you should really do is keep your election promise, hire the 1,000 police officers, and deal with this straightforwardly.

The Acting Speaker: It being nearly 9:30 of the clock, this House stands adjourned until tomorrow, Tuesday, April 12, at 1:30 p.m.

The House adjourned at 2126.

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
 Speaker / Président: Hon. / L'hon. Alvin Curling
 Clerk / Greffier: Claude L. DesRosiers
 Deputy Clerk / Sous-greffière: Deborah Deller
 Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
 Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma–Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster–Dundas– Flamborough–Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration
Barrie–Simcoe–Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative		
Beaches–East York / Beaches–York-Est	Prue, Michael (ND)	Hamilton West / Hamilton-Ouest	Marsales, Judy (L)
Bramalea–Gore–Malton– Springdale	Kular, Kuldip (L)	Hastings–Frontenac–Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron–Bruce	Mitchell, Carol (L)
Brampton West–Mississauga / Brampton-Ouest–Mississauga	Dhillon, Vic (L)	Kenora–Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce–Grey–Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Burlington	Jackson, Cameron (PC)		Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)		Van Bommel, Maria (L)
Chatham–Kent Essex	Hoy, Pat (L)		Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)		Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Kitchener Centre / Kitchener-Centre	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	Kitchener–Waterloo	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Dufferin–Peel– Wellington–Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	Lambton–Kent–Middlesex	Ramal, Khalil (L)
Durham	O'Toole, John (PC)	Lanark–Carleton	Wong, Tony C. (L)
Eglinton–Lawrence	Colle, Mike (L)	Leeds–Grenville	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Elgin–Middlesex–London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	London North Centre / London-Centre-Nord	Fonseca, Peter (L)
Erie–Lincoln Essex	Hudak, Tim (PC)	London West / London-Ouest	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	London–Fanshawe	Delaney, Bob (L)
Etobicoke North / Etobicoke-Nord	Cansfield, Donna H. (L)	Markham	Baird, John R. (PC)
Etobicoke–Lakeshore	Qaadri, Shafiq (L)	Mississauga Centre / Mississauga-Centre	Kormos, Peter (ND)
Glengarry–Prescott–Russell	Broten, Laurel C. (L)	Mississauga East / Mississauga-Est	
Guelph–Wellington	Lalonde, Jean-Marc (L)	Mississauga South / Mississauga-Sud	
Haldimand–Norfolk–Brant	Sandals, Liz (L)	Mississauga West / Mississauga-Ouest	
Haliburton–Victoria–Brock	Barrett, Toby (PC)	Nepean–Carleton	
Halton	Scott, Laurie (PC)	Niagara Centre / Niagara-Centre	
	Chudleigh, Ted (PC)	Niagara Falls	
		Nickel Belt	
		Nipissing	
		Northumberland	
		Oak Ridges	

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 11 April 2005

SECOND READINGS

Law Enforcement and Forfeited

Property Management Statute Law Amendment Act, 2005, Bill 128,

Mr. Kwinter

Mr. Hudak	6123, 6127
Ms. Horwath.....	6126, 6128, 6132 6133, 6137, 6142, 6144
Mrs. Mitchell.....	6126
Mr. Yakabuski.....	6127, 6137, 6144
Mr. Bisson.....	6127, 6131, 6133, 6136 6138, 6142
Mr. Arthurs.....	6130
Mr. Chudleigh.....	6131, 6134, 6137
Mr. Rinaldi	6131
Mr. Ramal	6132, 6133
Mr. Brownell.....	6133
Mr. Crozier.....	6136
Mr. Lalonde.....	6141, 6145
Mr. Murdoch	6141
Mr. Leal.....	6142
Mr. Miller.....	6142, 6145
Mr. McNeely	6144
Debate deemed adjourned	6145

TABLE DES MATIÈRES

Lundi 11 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens confisqués, projet de loi 128,

M. Kwinter

Débat présumé ajourné.....	6145
----------------------------	------



No. 127A

N° 127A

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 12 April 2005

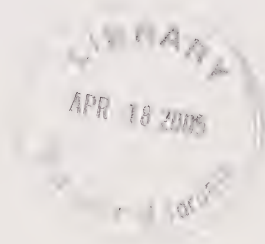
Mardi 12 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers



Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 12 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 12 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

TERRY FOX

Mr. Garfield Dunlop (Simcoe North): I'd like to speak today on a true Canadian hero. Twenty-five years ago this morning, on April 12, 1980, Terry Fox began what was to become known as the Marathon of Hope.

Terry, who in 1977 had lost his leg as a result of bone cancer, wanted to run across Canada and raise money for cancer research and awareness. After a fairly quiet beginning in St. John's, Newfoundland, the Marathon of Hope quickly gained momentum, and Terry Fox became a household hero and star as he worked his way across our country over the next four and a half months.

I can recall talking to one OPP officer who had the honour of escorting Terry throughout Muskoka. He said to me that watching Terry run was one of the most emotional days of his life and one of the most proud in being a true Canadian.

Terry's run came to an end on September 1 of that year in Thunder Bay when they discovered that the cancer had returned to his body. He died the following June 28. He died a legend.

Since that day, the Terry Fox Foundation has raised \$360 million worldwide. The Terry Fox run, held in Canada during September, is now held in numerous countries around the world. In my riding, the Terry Fox run is held in many communities. Thousands of participants and volunteers make the Terry Fox run a fun and successful day, year after year.

Today, in St. John's, Newfoundland, the Terry Fox family will help unveil a 25-year memorial to Terry. We as Canadians owe a debt of gratitude to Terry Fox. His short life is symbolic of what is truly right and what is truly Canadian.

Mr. Peter Kormos (Niagara Centre): New Democrats are pleased to join others today in paying tribute to Terry Fox. It was 25 years ago today that that young Canadian dipped his artificial leg in the Atlantic Ocean to begin a journey that changed a nation. After being diagnosed with bone cancer and having his right leg amputated, Terry Fox wanted to make a difference in the world and help cure that dreadful disease. Young Mr. Fox said, "Somewhere the hurting must stop ... [I am] determined

to take myself to the limit for this cause." And he did. He began his Marathon of Hope and started an improbable dream.

He dreamed of collecting \$1 from every Canadian to raise money for cancer research. After taking his Marathon of Hope halfway across Canada, young Mr. Fox successfully raised more than \$24 million for cancer research, emerging as a true Canadian hero in the process.

Although cancer had ended his life in 1981, his legacy was just beginning. He became an inspiring example of indomitable courage, spirit and determination, and a symbol of extraordinary accomplishment and humanitarian excellence.

Twenty-five years later, cancer cases are on the rise at a rapid pace. One way or another, this disease touches all of us. While there's no cure yet, researchers have made advances to improve survival rates and quality of life for cancer patients. Like Terry, there is a long road ahead of us.

New Democrats pay tribute today to a true Canadian hero who continues to inspire us all. We should reflect upon the past and work toward the future. During Terry's fight he said, "Even if I don't finish, we need others to continue. It's got to keep going on without me." Twenty-five years later, we are continuing Terry Fox's work and making his dream become a reality.

ETOBICOKE-LAKESHORE COMMUNITY COUNCIL

Ms. Laurel C. Broten (Etobicoke-Lakeshore): One week ago today, I had the pleasure of hosting a round-table meeting of more than 45 community leaders, members and constituents in my riding. The purpose was to discuss and provide feedback about the successes and needs of our community.

Community council served as a starting point to foster improved communication and interaction across our shared community. I appreciated the frank and open dialogue about local issues that affect youth, businesses, seniors and residents in Etobicoke-Lakeshore.

Our community council considered the unique strengths and challenges of all areas of the riding, from Lake Ontario to the Burnhamthorpe-Dundas area, and from Etobicoke Creek to the Humber River. We are fortunate to have a genuine sense of community in Etobicoke-Lakeshore, and also to have so many people devoted to furthering the vibrancy of all our neighbourhoods. At the same time, our community is aware of

the need for local infrastructure renewal, affordable housing, commercial revitalization, information sharing and increased green space.

I am committed to continuing to develop and to sustain the relationships formed at community council. From the floor of the Legislature, I want to thank everyone who took part in last week's meeting for their insight and willingness to work together for the benefit of our community. To ensure we keep the energy going, I would like to invite all the participants to our next meeting scheduled for May 17. I look forward to seeing them there.

LIBERAL CAMPAIGN PROMISES

Mr. Frank Klees (Oak Ridges): This past Sunday, a letter appeared in the Toronto Star written by Mr. Thomas Gibson of Richmond Hill. Mr. Gibson's words speak to the frustration and the betrayal felt by thousands of families across this province in this government.

I want to share Mr. Gibson's letter with my colleagues, and I ask particularly that the Premier and the Minister of Health listen to his words. He writes:

"My beloved wife of 52 years, who died in January at the age of 72, placed her hopes and trust in the hands of the Ontario Liberals who have hijacked this province on a field of broken promises. Suffering from bulbar ALS, my wife, in a wheelchair and incapable of speech, insisted on being taken to a polling station to cast her vote for Dalton McGuinty's Liberals in the firm belief they would deliver on their promises:

"We will invest in home care so Ontarians can receive better care at home.

"We will recruit and train more health care professionals so no one goes without the medical attention they need and deserve.

"We will provide treatment for autistic children beyond the age of six." (Our grandson is severely autistic).

"Did he deliver on those promises? No. We had to struggle every inch of the way to get the little support that was available. My wife was bamboozled like so many other Ontarians who believed, even trusted the word of McGuinty. What an abuse of trust. I will remember this.

"Thomas H. Gibson, Richmond Hill."

1340

MILK VENDING MACHINES IN SCHOOLS

Mr. John Wilkinson (Perth-Middlesex): I rise today to recognize an important initiative that will benefit both the secondary school students and the dairy farmers in my riding of Perth-Middlesex. Last week, the Dairy Farmers of Ontario meeting in Milverton learned that Stratford would be the first community in southwestern Ontario to place milk vending machines in all of its high schools. Supported by Neilsen Dairy and the Dairy

Farmers of Ontario, St. Michael Catholic Secondary School was the first to embrace this project. As well, starting this September, both Northwestern and Central Secondary Schools in Stratford will implement this healthy initiative. This means that next fall, all high school students in Stratford will have healthier food choices available to them in their hallway vending machines.

This healthy lifestyle initiative is also good news for Perth county's dairy producers, many of whom sell their milk to Neilsen through the Dairy Farmers of Ontario and will now have access to another viable market: our schools.

Research shows that 94% of Canadians agree that the number of overweight and inactive children is a serious health issue in Canada today, and more than 60% of Canadians strongly agree that junk food should be banned from public schools.

Last fall, Minister Kennedy issued guidelines that ensure healthy choices in Ontario's elementary schools. Similarly, the schools in my riding are embracing this plan and introducing it at the secondary level. They should be commended. This is just one step to ensuring that our children can make healthy choices, but it's a big step.

HEALTH PREMIUMS

Mr. John R. Baird (Nepean-Carleton): I've said it before and it deserves to be said yet once again: The provincial Liberals have imposed an illegal tax on the people of the province of Ontario—\$2.4 billion in an illegal tax, nothing short of massive electoral fraud in this province.

What is this government doing with this \$2.4 billion? Well, in their own budget document tabled by this Minister of Finance, we learn that this money will go to pay for exercise videos. We know that this money, instead of going to our hospitals, is going toward sewer pipe projects. They promised this Parliament and the people of Ontario that it would go to health care. They bragged about how this new health tax will go toward increased immunization programs for children. Well, the truth is out. It was the federal government that paid for those immunization programs, not this new illegal tax that was brought about by massive electoral fraud.

I can tell you, John Tory is the leader who can find the money to replace this illegal tax to ensure that health care is provided for the people of the province of Ontario, to root out waste and inefficiency. I say to the Premier, we are the only party that is committed to removing your —

Interjections.

The Speaker (Hon. Alvin Curling): Order. The member has a statement to make and I would like to hear it. I can't understand him. Before members even enter the Parliament area, you're shouting. I would like to hear the completion of the member's statement.

Mr. Baird: Thank you, Speaker—just a little bit of respect from the members opposite.

What he's not doing with the \$2.4 billion is that John Tory won't fire 757 nurses. He is committed to returning this illegal tax money back to the hard-working taxpayers of Ontario. John Tory is up to the hard work of finding waste and inefficiency in government—something that this Minister of Finance refuses to take up.

Hon. David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr. Speaker: I seek unanimous consent that each party have up to five minutes to be able to pay tribute to Mr. Baird. I understand he will be leaving this Parliament in due course.

The Speaker: Do we have unanimous consent? I heard a no.

ALLEGED SEXUAL ABUSE OF MINORS

Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh): As the esteemed member from Nepean–Carleton moves closer to fulfilling his aspirations on the federal stage, I was delighted yesterday to see him introduce a private member's bill urging the government to create a commission to examine provincial police activity during Project Truth investigations in my riding of Stormont–Dundas–Charlottenburgh. All of this is coming from a member who voted against Bill 48 in 2001, an act to create an inquiry into police investigation of sexual abuse against minors in the Cornwall area. It appears that the Ottawa press is more important than political conviction.

I will remind the member from Nepean–Carleton that this government is the first government to fully endorse a public inquiry into allegations of childhood sexual abuse in the Cornwall area. Premier McGuinty and Attorney General Bryant have had the conviction to follow through on this election promise, and the residents of Stormont–Dundas–Charlottenburgh are encouraged by this support.

The inquiry will happen, and the Attorney General remains fully committed to finding an appropriate commissioner and getting the terms of reference right. This process is important and it takes time, but the success of the inquiry is largely dependent on this.

I want to assure the residents of the Cornwall area that I have been and I continue to be a vocal advocate for this cause. This government also remains committed to this file, and we have demonstrated more fortitude than any of the opposing parties on this issue.

SAFE SCHOOLS

Ms. Judy Marsales (Hamilton West): I rise today to commend a very important initiative aimed at reducing youth violence and ensuring safer schools and communities.

Hamilton has been very fortunate in receiving money as part of a \$9-million provincial safe schools program announced in December. The public board is receiving \$204,000 to equip 51 of its schools, and the Catholic board is receiving \$116,000 to equip 29 schools. These

funds will be used to install cameras, monitors and possibly two-way intercoms and remote-controlled locks.

We are committed to the safety of our children in Ontario's public schools. The Liberal government wants to ensure that schools are safe and free of violence. This is the most basic principle in our schools today. When students feel they are safe and free from violence and harassment, they are in a position to learn and to succeed.

I'd like to thank the education minister, Minister Kennedy, and our member from Guelph–Wellington, Liz Sandals, who, under the safe schools action team, are addressing the physical and social safety in our schools in a meaningful way. Your level of support and leadership is invaluable.

The opposition has criticized our plans. Well, here is a plan in action. We are investing real dollars in our children's future. This type of funding allows them to learn in an environment free from violence, free from harassment and free from discrimination. It gives them the ability to succeed in a safe environment. That is what this party's all about: success for our students and opportunity for the future. Safer schools open the door to opportunity, and Hamilton West thanks you.

TERRY FOX

Mr. Bill Mauro (Thunder Bay–Atikokan): Today marks the 25th anniversary of an extraordinary event that touched all of our lives. Terry Fox dipped his limb in the Atlantic Ocean in Newfoundland on April 12, 1980, and started out, a lone young man struck by a disease that raises fear in the hearts of all of us: cancer. Instead of succumbing to fear, he decided to tackle his disease by raising funds for cancer research so that other people, in the years to come, would not face the ultimate prognosis that he faced.

Terry ran 42 kilometres per day, the equivalent of a marathon a day, for 143 consecutive days, totalling over 5,000 kilometres, until the Marathon of Hope ended just outside of Thunder Bay.

This may have been the single greatest athletic achievement ever. Still, we can only imagine the pain he must have been in as he took each step. But with each step, this amazing young man made us aware and made us believe that cancer can be beaten.

Each year, more than 200 cities in Ontario, including Thunder Bay and Atikokan, host a Terry Fox run. Locally, in Thunder Bay, the run is hosted by chairman Don Morrison, who has done a tremendous job of keeping to the true spirit of the run. To date, over \$360 million has been raised worldwide, started by the Marathon of Hope, for cancer research.

We in Thunder Bay have recognized Terry's incredible feat by erecting the Terry Fox Centre in Thunder Bay, where I invite all of you to come to see this magnificent monument. It was at the relocation of the monument five years ago in Thunder Bay that I had the privilege of meeting Terry's parents, the only people I have ever asked to have a picture taken with.

"Pain is temporary. It may last a minute, or an hour, or a day, or a year, but eventually it will subside and something else will take its place. If I quit, however, it lasts forever." Those words were spoken by Lance Armstrong, the six-time Tour de France winner, in his book *It's Not About the Bike*. Armstrong, of course, is a cancer survivor himself.

I can't imagine any other words that would likely have more appropriately described the attitude and will of Terry Fox—an extraordinary life, an extraordinary young man and a true Canadian hero.

1350

ORAL QUESTIONS

HEALTH CARE

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Last July 9, your health minister announced that he was creating regional health care authorities in Ontario, essentially 14 new layers of expensive bureaucracy. Tellingly, however, he has missed every single deadline since that time—deadlines he set for himself. What is the purpose of this bureaucracy, and can you tell us why your Ministry of Health can't meet a single deadline?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): We are dedicated to improving the quality of health care for all Ontarians. Unlike my friend opposite, we will not be taking \$2.4 billion out of the health care system. What we are working to do, of course, is put in place a system that delivers resources to the front lines. It turns out that when it comes to a regionally based model, ours is slightly different from that; we have a local health integration network model which we're using. But it turns out that we are the only province in the country that has not acted in a deliberate way to provide resources down to the community level as much as possible. It's taking longer, I must say to my friend, than I would have liked. But we want to make sure, in particular, that we have the best people in place so we can get the best job done once it's fully lined up, and that has been a challenge.

Mr. Tory: Well, I guess that's the point of the question: You may be the only province that hasn't done it, and you still haven't done it because you're not able to meet a single deadline. The uncertainty caused by your local health integration networks and your poor implementation of this program to date is only the latest example of your mismanagement of the health care file. Commenting on your networks, well-known health policy expert Michael Rachlis said of your government in March, "They really don't know what they are doing—they are making it up as they go along." That, I would say, is one of the most charitable assessments I've heard.

Nine months after your government introduced this scheme, the people and the organizations that have to make these local health integration networks work—the

civil service, doctors, nurses, hospitals and others—haven't been shown an actual plan. When are they going to see an actual, detailed plan from your government?

Hon. Mr. McGuinty: The reason we have to put so much effort into this is because no work was done in the past with respect to moving resources to the front lines, so we had to start from square one. I can tell you that these 14 local health integration networks will plan, coordinate, integrate and fund the delivery of health care services within their own specific geographical boundaries. We believe that this new approach is key to making the system patient-centred and responsive to local health care needs. In terms of the system we inherited, there was no coordination and no integration, and it was, broadly speaking, a patchwork quilt. So we've decided that it's important to change that. That's what we're doing with the local health integration networks, and we've made tremendous progress. I'll be delighted to speak to that in the additional supplementary.

Mr. Tory: The Brantford Expositor called these local health networks "an unfunny April Fool's joke." The St. Thomas Times-Journal said that there's nothing in these LHINs that builds any public confidence. People in places like Orangeville in my riding are telling me that they'd rather see you spend their money on more nurses, not more bureaucrats. How do you respond to them?

Hon. Mr. McGuinty: What I can say to the good people at the newspaper and in the community is that we're not taking \$2.4 billion out of the system—we made that investment—unlike the leader of the Conservative Party.

This is how complex the health system is: We've got 154 hospitals, 581 long-term-care homes, 42 community care access centres, 37 public health units, 55 community health centres, seven ministry regional offices, 350 mental health programs and five academic health science centres, all with different geographies, funding flows and overlapping accountabilities. My friend may argue that it doesn't make sense for us to develop a regional approach to bringing care closer to patients, but that means he doesn't understand where we're going. I can tell you that at the end of the day, once this has been put in place, it will mean better care for more people closer to their homes. That's what this is all about.

The Speaker (Hon. Alvin Curling): New question.

Mr. Tory: I can tell you that the only thing we're committed to taking out is your illegal tax, and taking you out of office.

Interjections.

The Speaker: Order.

Mr. Tory: Premier, your promise of better health care for Ontarians is just another broken promise. Speaking about taking things out, last week your Minister of Health was musing about taking health services out of hospitals. He said your government would "extricate and consolidate services in our hospitals." Premier, specifically what services will you be stripping and from which hospitals?

Hon. Mr. McGuinty: I don't think the member had the benefit of the exchange that took place on that day,

but I can tell you—and I'll say again—that what we're looking at as part of our determination to make sure we're getting the best use of the limited health care dollars we have is to find ways where we might consolidate services.

We had a specific example. If there are cataract operations being performed in a number of downtown Toronto hospitals, we think it makes good sense to consolidate that service in one centre, where they can deliver that service in a very efficient way, a better coordinated way and in a way that speaks specifically to the disease or the manifestation that a patient is bringing to the centre. We just think that makes good sense.

I also said specifically that we are not going to do this in a way that is going to compromise access to care, especially in rural and remote communities and in northern Ontario. That is specifically what we said.

I know my friend would agree that we have a shared responsibility to make sure we are delivering our services in the most cost-effective way and in a way that not only does not compromise but enhances quality of care. That's what this is all about.

The Speaker: Supplementary.

Mr. John R. Baird (Nepean–Carleton): Premier, when you say you won't compromise care, the people of Ontario look at you and say that you're the guy who said he wouldn't raise their taxes.

Your plan for imposing these 14 new layers of health care bureaucracy is a unmitigated disaster. You've missed every deadline that you—

Interjections.

The Speaker: I call to order the Minister of Consumer and Business Services.

Hon. Jim Watson (Minister of Consumer and Business Services): Mr. Speaker—

The Speaker: When I say "come to order," I don't want someone to be talking back.

The member from Nepean–Carleton.

Mr. Baird: Premier, you've missed every deadline you've set for yourself and that your minister has set for your government. You seem to be either unwilling or incapable of answering even the most simple questions about what your Minister of Health meant when he confirmed that you would be stripping services from hospitals. Premier, tell us what services you will be cutting from hospitals under the guise of transformation.

Hon. Mr. McGuinty: It's with a certain sense of nostalgia that I get a question from a member who is shortly going out the door.

We will not be giving up on Ontario's health care system; I can tell you that right now. Others may give up on other causes, but we will not give up on Ontario's health care system.

We've said that we're looking for ways to deliver health care in a more cost-effective manner. If that means looking at ways we can consolidate different services in different centres, then of course we're going to do so. But to say it for the umpteenth time, we will not compromise quality of care, we will not compromise access to care

and we are especially mindful of those challenges that are to be found in rural and northern Ontario.

Mr. Baird: I have a copy of a letter that you sent to hospitals in Ontario before you were elected. You seem to be getting in trouble for a lot of letters you wrote before you went into the Premier's office. The letter says, "We are committed to providing hospitals with stable, multi-year funding, and we guarantee this commitment will come prior to the start of the fiscal year." We are more than two weeks into the fiscal year, and hospitals like Queensway Carleton Hospital and the Ottawa Hospital still have no idea what you have in mind for their fiscal crisis that you created.

Premier, will you stand in your place and tell us what fiscal resources you will make, and will you honour the commitment that you made to hospitals in Ontario when you were seeking the job in the corner office?

1400

Hon. Mr. McGuinty: I can tell you that hospitals in Ontario today have more certainty, more optimism and greater confidence in the future than they ever had under the previous Tory government, which made cut after cut, whether to hospital programs or to Ontario nurses.

I think it's important for the people of Ontario to know what it will mean to take \$2.4 billion out of our health care system. You only arrive at \$1 billion by way of reduction if you shut down 10 large hospitals. To arrive at a total of \$2.4 billion in cuts—and Mr. Tory is going to want to know about this—you've got to close 10 large hospitals; you have to fire 6,000 nurses; you have to shut down 49 MRIs; you have to cancel 5,000 hip replacements, 6,000 knee replacements, 5,000 cardiac surgeries, 3,000 cataract surgeries and 2,000 radiation treatments; 50,000 fewer children will receive vaccinations; and finally, you will have to shut down 20,000 long-term-care beds. Those are the consequences of taking \$2.4 billion out of our precious health care system.

HYDRO GENERATION

Mr. Howard Hampton (Kenora–Rainy River): For the Premier: Premier, tomorrow you are set to announce the winners of a competition to generate a good chunk of Ontario's future electricity supply. During the election you promised ordinary Ontario families, "Your hydro will remain in your hands." You also said, "We're going to have to build generation in the province of Ontario. Who? Ontario Power Generation, the way we did it for 50, 60 ... years."

Last month your energy minister spoke to the largest private electricity generating conference that I think Canada has ever seen, in Calgary—a lot of private power generators. Premier, can you tell us, was your energy minister's message to those private corporations the same message you gave to Ontario voters before and during the last election about the importance of public power?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Energy.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Let me begin by saying that this government's energy policy has put the energy sector back on a stable footing so that we can ensure adequate supply, reliable supply, at affordable prices. Our commitments prior to the election are what we're working toward now, and had everything to do with and continue to have to do with ensuring that the lights will stay on, ensuring that we can keep prices at a reasonable and responsible level to assure new generation.

We put out the call for proposals for the RFP. It's a substantial call for proposals. We will be announcing soon the successful proponents. We did the same thing with renewables last fall. We announced 395 new megawatts in renewables. We're satisfied that this helps us (a) to keep our commitments, (b) to close the coal plants and reduce pollution, which I know that member opposes, and (c) to ensure a reliable, adequate supply of power into the future.

Mr. Hampton: I guess that's why, on a mild day in April last week, the lights flickered out in Ontario.

The Premier didn't want to answer the question and I'm not surprised, because this is what the media says about the message that was delivered in Calgary, dateline Calgary, March 15, 2005: "Speaking to some of Canada's largest power generators, including TransCanada Corp., TransAlta Corp. and EPCOR," Ontario energy minister Dwight "Duncan said there was money to be made in Ontario." Duncan told the private electricity generating companies, "The risks ... will be worth the rewards."

Ontario hydro ratepayers have already seen you increase the hydro rate by 34% above what you promised in the election. How much more will hydro ratepayers in the province have to pay in order that the new private generating companies that you're so fond of have money to be made in Ontario?

Hon. Mr. Duncan: First of all, rates have not gone up over 34%. That's just nonsense.

Hon. James J. Bradley (Minister of Tourism and Recreation): Fiction.

Hon. Mr. Duncan: It's absolute fiction. Number two, prices went up 43% under that member. Number three, that member proposes to create more power by OPG. Do you remember what happened with Pickering A, unit 4? A billion dollars over budget. Is that the route we should go?

The Speaker (Hon. Alvin Curling): Could you direct your response to the Speaker.

Hon. Mr. Duncan: Mr. Speaker, I will remind the member opposite of what he says in his own book, *Public Power*. "There will be important roles for the private sector to play in the future of our electricity system, as there always have been." He goes on to say, on page 18, "I'm not ideologically opposed to private power any more than I'm opposed to private restaurants, clothing stores or car dealerships." Talk about a flip-flop artist of the first degree—

The Speaker: Thank you.

Interjections.

The Speaker: It's also against the rules to be shouting when the Speaker is standing up.

Mr. Gilles Bisson (Timmins-James Bay): Yes, you're right, Speaker. I apologize.

The Speaker: I think we were on the final supplementary.

Mr. Hampton: The question was about the message that the Premier delivered before the election. Before the election it was the Premier who said it will be public power. It was the Premier, one Dalton McGuinty, who said it will be generation by OPG. Now it is to be TransAlta, it is to be TransCanada, and we know what they will want. On whatever the price is, they'll want 20% more to take care of the profit line and the executive salary line.

My question to the Premier again is, after the election, whose side are you on? Are you on the side of those people who are already having a hard time paying their hydro bill or are you now suddenly on the side of TransAlta, of all the other private power producers who want the 20% profit on top of the hydro bill and, yes, the executive salaries and the executive perks as well? Whose side are you on, Premier?

Hon. Mr. Duncan: This Premier and this government are on the side of small consumers across Ontario, unlike that member. That member increased hydro prices 43%. That member and his government cancelled every conservation initiative. They cancelled negotiations over Conawapa.

There is no inconsistency between what the Premier said before the election and what we are doing now. We are bringing affordable, cleaner electricity to Ontario in order to ensure that we have a stable, reliable system going forward. Had that member and his government done even a fraction of what we're doing now, we wouldn't be in the mess we're in today. Our plan is working. Our plan involves private investment to bring on adequate generation. Our plan involves closing coal plants to clean up the air—something I know he opposes. We're not opposed to that; we're moving forward on it. We believe it's responsible, we believe it's the appropriate policy and it's paying dividends. We have already increased wind power in Canada by 85%.

HYDRO ONE

Mr. Howard Hampton (Kenora-Rainy River): All of those paper mill workers and pulp mill workers are going to feel really reassured after the Minister of Energy's statement.

Premier, I want to ask you about the latest episode of the habits of your high-flying head of Hydro One, Tom Parkinson. As you know, Mr. Parkinson gets a \$1.1-million-a-year salary. He will get a \$2-million golden parachute severance package. The hydro ratepayers of the province subsidize his mortgage to the tune of \$125,000, and, yes, he takes the hydro helicopter when he wants to visit his cottage.

You'd think he would be happy with all that, but apparently he is not; apparently he is outraged. In a memo to senior management, he blames "media lies" for the negative publicity he has received. Premier, do you agree with Mr. Parkinson? Is this all the media's fault? Or do you agree with ordinary Ontario hydro ratepayers who are already having a hard time paying for Mr. Parkinson's, shall we say, large executive perks?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Energy.
1410

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Hydro One's board of directors have an obligation to ensure the proper functioning of that organization. We have confidence in that board. It consists of members who were appointed by the previous government. It consists of former Premiers of Ontario. There are policies in place that that board will oversee. It is important that Hydro One function efficiently and effectively, not only to maintain, most importantly, our transmission infrastructure, but to ensure a fair return to the taxpayers of Ontario, who own that important asset. It is important that all of us work together to ensure stakeholder confidence in that organization and in our transmission system as we move forward.

Mr. Hampton: I think all those people who are having a hard time paying their hydro bill will be interested to know that it's keeping Hydro One in line that forces Mr. Parkinson to take the hydro helicopter to his cottage for the weekend. But he says he's misunderstood. He said he never took the Hydro One helicopter to his cottage; no, he only got a free ride to the Muskoka airport. He had to drive from the Muskoka airport to his cottage himself. I think the energy minister would know all about this. Apparently, he was riding along with Mr. Parkinson.

Premier, you are the sole shareholder of Hydro One. It's your job to protect the public interest. Can you tell me: How is the public interest being served by Mr. Parkinson taking the hydro helicopter to his cottage for the weekend?

Hon. Mr. Duncan: We believe that transparency and accountability are the best safeguards to public service, and that's why it was this government that made this information accessible to the public through freedom of information. We applied freedom of information to OPG and to Hydro One so that the ratepayers and taxpayers could see what goes on, so that the board of directors of those organizations, this government and any government of the day knows that whatever actions are taken or not taken by management, by the organizations themselves, there will be clear accountability and transparency.

That's something we're proud we did. That's something his government didn't do when they had the opportunity. None of this information would be public had we not applied freedom of information to this situation. We believe it's appropriate. We believe ratepayers can understand this. We believe the board will understand ratepayer reaction and act accordingly.

Mr. Hampton: I'm asking, how do you defend this to hydro ratepayers? In fact, it wasn't just once that Mr. Parkinson thought he had to use the hydro helicopter. On another occasion, he took the hydro helicopter from his cottage to Ottawa. He said, "I decided to use the chopper rather than spend five hours driving and four hours in airports just to give a speech." Poor Tom Parkinson. Traffic and commercial flights: what a problem.

The real problem here, Premier, is this. This is what you said before the election: "The real problem here is not these boards ... [or their] ability to ... create these compensation packages." That's your quote. "It has everything to do with [the Premier] and [his] standards, and [his] failure to stand up for" hydro "ratepayers." Well, Premier, it's your turn to stand up for the hydro ratepayers. Do you think Ontario hydro ratepayers should be paying for Mr. Parkinson to take the hydro helicopter to his cottage because he doesn't want to face the traffic?

Hon. Mr. Duncan: We believe that it's in the interest of ratepayers to have a board of directors that is accountable to the government to ensure that adequate policies and procedures are in place. It is incumbent that that board deal with the situation according to how they see fit. That board was appointed by the previous government. It was supported by this government. It has a number of people who are well known to this House, including the former NDP Premier of Ontario. It is incumbent on any government to ensure, unlike that government, that our hydro system remains competitive, that there's adequate, reliable and affordable electricity available to everyone and that the transmission system is run according to a standard that, by the way, is second to none in North America right now. Our government is committed to that. Our government has confidence in the board of directors and that they will do the appropriate things under all these circumstances.

Interjections.

The Speaker (Hon. Alvin Curling): Could I ask members to stop chatting across when we're having question period, or at any other time when another member is speaking? It's very disruptive, and I'm unable to hear either the answer or the question.

FISCAL AND ECONOMIC POLICY

Mr. Jim Flaherty (Whitby-Ajax): My question is for the Minister of Finance—

Interjection.

Mr. Flaherty: —which isn't you. It's over here. But thank you for your views.

My question is about taxing and spending and the—

Interjections.

The Speaker (Hon. Alvin Curling): Order. Just stop the clock for the member here.

The member for Whitby-Ajax.

Mr. Flaherty: Minister, you brought in the largest single tax increase in the history of the province of Ontario in the past year: more than \$4 billion. You've also increased spending at a rate that you don't even

know. When I asked you last week, you couldn't tell this place the percentage increase in program spending in the current fiscal year, which is shocking.

We know spending has gone up something like 6.9%, which is what your budget plan is. We know spending is probably something north of \$80 billion this fiscal year. I hope you have the accurate number. You've abandoned your fiscal plan of balancing the budget in the province of Ontario within your term. Your government is aimless; it's rudderless. You have ad hoc spending decisions; money over here, money over there that's not in the budget, that's not in the plan. Management Board isn't doing its job of controlling spending going forward.

The people need to know, though—they're entitled to know—how far off your financial plan is. The only way—

Interjections.

The Speaker: Order. The question has been asked.

Interjection.

The Speaker: Order. You had adequate time to ask the question. The question has been asked.

Minister of Finance.

Interjections.

The Speaker: One second. Let me get the House leader to be quiet a bit, and also the Attorney General, before you respond. Are you ready? Thank you.

Hon. Greg Sorbara (Minister of Finance): I didn't hear a question, but I think the comments from my friend from Whitby–Ajax deserve some response. The first thing to note is what we did, beginning the day on which we were sworn in, which was to start to bring fiscal discipline back to the province of Ontario. We inherited one heck of a mess. I made it clear in my first budget that we were not going to resolve all of the problems of that mess in one budget. What we also did was begin to make investments in health care, to begin to make important investments in education, to begin to make important investments in social services and to begin, for the first time in 11 years, to give those who are most vulnerable in Ontario a small increase in what we provide through Ontario Works.

We're very proud of the start we've made. I want to tell you we have just begun to get this province back on the road to good, strong financial health.

Mr. Flaherty: That is frightening, if you've just begun. With that level of spending and that level of tax increases, the people of Ontario will be in trepidation of what you will do when you bring in your budget.

You do have this safety valve that you put in your last budget, and that's the LCBO. That's the cash cow that you might make subject to a fire sale. You appointed a committee and you said in your terms of reference, Minister, that the panel is to provide its advice and recommendations in a written report to the Minister of Finance in spring 2005, on a date to be approved by the minister.

We know the budget is coming up. What is the date that you have approved for the release of the report by

the LCBO panel so that the people of Ontario will have that information before your budget?

Hon. Mr. Sorbara: My friend from Whitby–Ajax simply uses his questions to get his own private political philosophy on the table. We know he wants to sell the LCBO. We don't know what John Tory thinks about selling the LCBO, but certainly my friend from Whitby–Ajax has had no qualms about that. We know that's his philosophy. He wants government to get out of the business of public education. He wants government to get out of the business of distributing beverage alcohol. We don't yet know where John Tory stands on this, other than that he is going to fund private schools as well.

I will simply tell my friend that, shortly after the review panel for beverage alcohol reports to us, I will report to this House as to their findings.

1420

PUBLIC SAFETY

Ms. Marilyn Churley (Toronto–Danforth): I have a question for the Attorney General. The shocking decision to grant bail to a man charged with murdering his wife in broad daylight left women wondering if the justice system works for them. Now that we have the details about the decision, our concerns increase even more. It appears that men who are charged with murdering women can buy a "get out of jail" card. In the bail arrangement, Mr. Candir would have paid \$120,000 for an ex-RCMP officer to monitor him and \$200,000 for the electronic monitoring bracelet after his release.

Minister, how are you going to fix a system that allows men charged with killing their partners—and, may I add, witnessed—to get bail if they can afford to pay for it?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for her question. I'm sure the member will understand, or I hope she will understand, that I'm not going to comment on this particular case that we are speaking of. As was said today by the dean at Queen's law school, Gary Trotter, it's not appropriate for us to be debating a position that an independent crown would be taking.

That said, I can assure the member and assure all members of that community that that individual is incarcerated.

Ms. Churley: Minister, you have been talking about Karla Homolka all morning, but I asked you a specific question. It's clear that there is a two-tier justice system here. If you have the money to buy yourself out of jail, you can get bought out of jail. If you don't, you stay in jail. In this case, it doesn't eliminate the fact, even if you are not going to speak to the case, that the decision was made to let a man accused of such a horrific crime out of jail on bail because he can afford to pay for it. Otherwise, he would not have gotten out. It has left the distinct impression that the justice system thinks it's acceptable that violence against women be treated as an out-of-pocket expense.

I'm asking you again, Minister: What are you going to do to ensure that such a situation does not happen again?

Hon. Mr. Bryant: This government, through the domestic violence protection plan, is undertaking not only a review of bail practices and the positions taken before the courts, how the courts respond and the way in which governments can make improvements, is not only addressing the same issue with respect to parole and probation, but is also looking at every way that we can to not only deal within the system to try and identify—for example, through ODARA—ways in which we can identify people who may be a risk to the community and use that evidence, use that test to determine the position that is taken before the courts, but we are making the investments that we have to through the victims' justice fund and through Minister Papatello's ministry to make improvements.

Let me be clear to the member. You are asking me about a particular case where the crown opposed bail. We opposed bail. We did not think this person should get bail. We made arguments that they should not get bail. A judge disagreed with us.

In the interim, the person is incarcerated. In the interim, the person is in fact not within the community. And I can assure the member that we will be taking the position before a bail review—

The Speaker (Hon. Alvin Curling): Thank you. Order. New question.

RENEWABLE FUELS

Mr. David Oraziotti (Sault Ste. Marie): My question is to the Minister of Natural Resources. Minister, our government is committed to phasing out coal-fired electric generating plants and developing cleaner sources of energy. Expanding wind and water power opportunities will contribute to a cleaner environment, cleaner air and healthier Ontarians. In a year and a half, our government, under Premier McGuinty, has unlocked the potential for 25 times more wind power than the past Conservative government and 390 times more wind power than delivered by the NDP.

For instance, the installation of approximately 60 wind turbines near Sault Ste. Marie on the North Shore of Lake Superior will produce 100 megawatts of clean, renewable energy. This project attests to our government's commitment to develop more renewable energy sources for Ontarians. Clearly, we're on the right track toward developing cleaner, greener energy sources.

To help us achieve our goal of eliminating coal-fired electric plants, I know the Minister of Energy and you have been working hard to promote wind and water development on crown land. Can you elaborate on what our government is doing to expand renewable energy projects in Ontario?

Hon. David Ramsay (Minister of Natural Resources): I apologize for the length of the question. I appreciate the member's interest in wind and water power. I know he's looking at a project that's just outside of Sault Ste. Marie.

As the member may know, the McGuinty government has made 18 sites available for water power development, and we're inviting a second round of applications for wind power on crown land.

Last November, the government called for expressions of interest to identify potential water power sites. Fifty-seven applications were received, of which 18 sites have now been approved for appropriate development. Soon the minister will be receiving detailed development proposals for those sites. I'm pleased to say that these water power sites alone have the potential to produce between 200 and 300 megawatts of clean hydroelectric power.

We're just beginning to unlock Ontario's enormous potential for clean and efficient electricity generation. Our government will continue to seek and encourage development of our capacity to generate this power.

Mr. Oraziotti: I understand that wind power is the fastest-growing energy supply sector in the world. In Germany, the second-largest industrial user of steel after the auto sector is the wind power sector. Examples of industrial outputs such as this are encouraging for the future of our province, where we could boast these types of statistics in the future.

I recall that not too long ago we announced a retail sales tax rebate for renewable energy systems, including wind and small hydroelectric projects. Can you tell me what else our government is doing to ensure that Ontario is on the leading edge of wind power development?

Hon. Mr. Ramsay: About a month ago, I announced a six-month window of opportunity, beginning April 1, for companies or individuals to submit proposals for wind power development on crown land. This follows closely on approvals given in January for 16 private companies to assess wind power potential on 21 crown sites. It's important to remember that each of the 21 approved sites must undergo an environmental screening before moving on to wind-power testing. Sites that successfully complete the wind-power testing phase then must undergo a full environmental assessment before a wind farm is established. Eventually, these wind turbines on both private and crown land could generate enough energy to help reduce our dependence on coal-fired electricity generating plants.

HOSPITAL FUNDING

Mr. John O'Toole (Durham): In the absence of the Minister of Health, I put my question on health to the Premier.

Lakeridge Health Corp. is scheduled to release its budget in Port Perry this Thursday. My constituents—in fact, all the people in Durham—are worried about the outcome of the next Lakeridge Health budget, because they are facing a multi-million-dollar deficit. Lakeridge has already announced 308 layoffs to balance its budget in the first step.

Health care funding in the GTA/905 is less than the provincial average. Every man, woman and child in Durham receives \$774 less than the average funding in the province of Ontario.

Premier, would you explain why you're putting at risk the ability of Lakeridge Health to deliver quality health care to the citizens of Durham?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): I can tell you that we're very proud that in our first year we have invested an additional \$3 billion in health, and I believe that it's \$1.7 billion specific to Ontario hospitals. We've invested an additional \$13.6 million in Lakeridge this year, and we hope to be able to do more in the future.

I know that the member opposite will also understand that we have put together a process—we're working with all Ontario hospitals to help them find a way to balance their budget in a way that does not compromise the quality of care. More than half of Ontario hospitals have already found success in that regard, and we'll continue to work with Lakeridge and others throughout the province to make sure that we can get this right.

Mr. O'Toole: You should know that Lakeridge Health has already removed \$18 million in savings over the past two years. In fact, your platitudes do nothing to the work that has been done by Anne Wright and the volunteer board at Lakeridge Health—indeed, all hospitals in Ontario. You're asking to take blood from a stone. The board and staff in the community can't meet the fiscal challenges you've placed on Lakeridge and other hospitals in Ontario. Patients in Durham are asking for your support. Lakeridge Health is a multi-site facility, serving a rural community with four hospitals and 21 satellite facilities. What is your government doing to bring fairness and equity to funding, not just at Lakeridge, since they operate such a large rural site, but indeed for the province of Ontario, which you're putting at risk? Today you're telling us you're spending more; I can tell you that in fact we're getting less. What do you say to the people in Durham about the underfunding at Lakeridge and at hospitals in Ontario?

1430

Hon. Mr. McGuinty: First of all, to the people in Durham, and in particular to those who have committed themselves to the facility at Lakeridge, I want to offer my congratulations and support as they work on behalf of their hospital and the health and well-being of community members. But again I want to remind people that we've invested \$3 billion more in health care; \$1.7 billion more specifically to hospitals. I would ask the members of that community to contrast the approach we're bringing with that member's solemn commitment to take \$2.4 billion out of the health care system. Where would that leave that hospital? Where would it leave other health care services in that community?

Let me tell you, raising that money was not an easy step to take, but we felt it was an essential thing to do. We think it's right for us to increase the level of funding in our health care system. That's why we've done it, and we stand by that. I ask people in that community and in communities across the province to understand the difference: We're for investing more in health care and getting quality for the people of Ontario; they want to take money out of health care. That's the difference.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): Premier, I was surprised to read today that you and the Minister of Children and Youth Services are refusing to acknowledge that your party made an election promise to parents to extend IBI treatment to autistic kids over the age of six. So to jog your memory, here is the e-mail sent by Nancy Morrison to the Ontario Liberal Party on September 8, 2003, entitled "Request for Platform Information Regarding Autism Funding." It says: "We want to make informed decisions on October 2 at the polls. Therefore, I am requesting each major political party in Ontario to provide your platform to bring more appropriate medically proven treatment for autistic children in Ontario. Please respond with your platform on our issues by September 12 ... so that the information provided by all parties can be forwarded to all our contacts in Ontario to help us in making informed decisions at the polls on October 2."

Premier, that sounds to me like a request for your platform on this issue. What do you think?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Children and Youth Services.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): Today, there are more services available to children with autism than ever before in this province. We give them services from the moment they are diagnosed right through to the age of 18. We have increased the number of children under six who receive IBI by 25%. We have reduced the wait lists for assessment by 72%. We have added to an already very generous—the most generous across the country—special education program for these children with a new program. We've done a great deal for these children, and we plan to do a great deal more, as well as for all the children with special needs across the province. In the supplementary, I'm sure the Minister of Education would like to add his comments as well.

Ms. Martel: I have a specific request for information that was made by the parent of an autistic child and the specific response that came from the Premier. You see, on September 17, 2003, in the middle of the election, the Premier wrote to Ms. Morrison and said, "Thank you kindly for your e-mail requesting information on the Ontario Liberal Party's position on IBI treatment for autistic children. I appreciate the vital issues you raised and would be pleased to address them at this time...."

Further in the letter, "I also believe that the lack of government-funded IBI treatment for autistic children over six is unfair and discriminatory. The Ontario Liberals support extending autism treatment beyond the age of six." The letter is signed "Dalton McGuinty, Leader of the Ontario Liberal Party."

Premier, this was clearly an election promise made to families with autistic children. Why don't you stop trying to run and hide, and actually keep the election promise you made?

Hon. Gerard Kennedy (Minister of Education): We're hearing from the members opposite without any reference whatsoever to the well-being of the children involved. What we did in office was not jump up and down around what would be done but actually did something different. For the first time there's \$365 million more in special education, \$130 million being spent right now on children with autism, and it's being done in the best fashion possible.

We believe strongly that the 6,800—

Interjection.

The Speaker (Hon. Alvin Curling): Could I ask the member from Nickel Belt to come to order, please. Minister of Education?

Hon. Mr. Kennedy: The members of the party raising the question did nothing to try to bring in special education services that have been mandated since 1984. We have, in a short period of time, authorized the funds—

Interjections.

The Speaker: Order. The minister has about 10 seconds.

Hon. Mr. Kennedy: I wish I could say that the argument gets better with sheer repetition, but it doesn't, because compassion isn't built on that; it's built on consideration for what actually happens to students. In our schools, these students are getting better assistance than they ever have before. If that was your concern, it would be reflected in the way you put it forward. But we've seen here time and time again that that's not the concern. Grabbing a headline—

Interjection.

The Speaker: Order.

Could I ask the member from Nickel Belt to conduct herself in a better manner, especially when members are responding to your question. You have been rather aggravating in the way you respond whenever the minister is trying to respond.

FOOD SAFETY

Mr. John Milloy (Kitchener Centre): My question is for the Minister of Agriculture and Food. As the minister knows, food safety is a concern for all Ontarians, and it instills confidence in consumers when they know that what they are buying is safe.

Yesterday, the minister made an announcement that will further ensure that Ontario's food safety system is a world-class one. Could the minister inform this House what the creation of an office of the chief veterinarian of Ontario and the realignment of the Ministry of Agriculture and Food will mean for Ontario?

Hon. Steve Peters (Minister of Agriculture and Food): I thank the member for his question. I thank him as well because I think we need to recognize in this House that supporting agriculture and instilling confidence is both an urban and a rural issue, and I appreciate his interest in that.

The announcement yesterday is in direct response to Justice Haines's recommendations. Dr. Deb Stark will lead the animal health and food safety initiatives for the province. Dr. Stark will also work on assessing the need for a separate animal health act—something the agricultural community has been talking about for a long time—developing a strategy for biosecurity, and working co-operatively with our counterparts in the federal and provincial governments and other ministries. Most importantly, she's going to be there to help coordinate Ontario's role in response to any potential outbreak of animal disease.

We recognize the critical nature of this job. We've seen the devastation that can happen as a result of BSE and avian influenza. What this is going to do is allow us to better coordinate our scientific activities, education, inspection, compliance and enforcement to ensure that we do everything possible to bring forward a food safety strategy that is clear and unconvoluted.

Mr. Milloy: It's great to hear that our government is making the best use of its resources to ensure a safe and healthy Ontario.

As a supplementary, I want to ask the minister about the various announcements coming out of his ministry and the ongoing progress being made by our government as it works toward fulfilling the recommendations of Justice Haines's report on Ontario's meat regulation and inspection system. Can the minister tell us what he's currently working on that will further enhance our food safety system?

Hon. Mr. Peters: Contrary to some of the baffleball that comes out of the mouths on the other side, we are very much conscious of and moving forward with a clear plan to support agriculture in this province. Part of that, as we move forward, was the report that was completed by Justice Haines.

We are making investments to support the deadstock industry. We're providing farmers and meat operators and further meat processors additional financial assistance to meet new standards and regulations. We're moving forward on a non-farm food safety strategy for Ontario that was developed in conjunction with the industry and the Ontario government. Most importantly, the strategy that we move forward aligns us with the federal government to ensure that there is program integration, coordination of administration, and infrastructure program evaluation. We also have developed a joint government-industry Ontario Traceability Task Force, developing a business model. We signed an MOU with the federal and provincial government to enhance public safety.

1440

TEACHER TESTING

Mr. Frank Klees (Oak Ridges): My question was to the Minister of Education, but I'll direct it to the Premier in the minister's absence. On April 4, I put a question to the Minister of Education relating to the fact that he

cancelled teacher testing, the qualifying test. Now there are 7,000 graduates who will be without a qualifying certificate. In fact, in my preamble, I quoted you, as the self-proclaimed education minister, as saying, "I agree that teachers should be tested. New teachers should be tested." And you said that teachers should be tested "at the beginning of their professional careers in order to be admitted to the profession."

Premier, you're aware that we have 7,000 graduates of education faculties today to whom your Minister of Education has now written to say there will not be a certificate for them. I want you, as the self-proclaimed education minister, to tell us whether you believe that that is a way to run the Ministry of Education.

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): I don't think there's any doubt about it: We're bringing a different approach to public education in the province of Ontario. For one thing, we happen to be committed to it. The member opposite would remove money from our public schools and put that money into private schools. We're bringing a different approach.

I can say, with respect to the testing, that it's turning out that the overwhelming majority of teachers were passing that test without any problem whatsoever. I think what this really speaks to is the respect we attach to the profession and to teachers themselves. Just one little example: So far, 16,000 teachers have volunteered for weekend training, without pay or training in the summer, in order to become lead teachers who are now specially skilled in literacy and numeracy for elementary students. The way you build a strong public education system in the province of Ontario is by speaking to what is best in our teachers. Sixteen thousand teachers volunteered, have special training and are now helping us get better achievement in literacy and numeracy.

Mr. Klees: Respect for teachers, Premier, would mean that you would look to ensure that graduating teachers will have their proper qualifying certificates.

Let me read to you what one of those graduates is saying. By the way, there are hundreds of these letters coming in now every day from the very people you say you respect. She writes:

"As a teacher candidate at the Ontario Institute for Studies in Education, I would like to express my dissatisfaction with the current initiative underway at the Ministry of Education....

"I am concerned that this has been done hastily and without any clear and logical plan for what the replacement evaluation may be...

"I feel that I have been done a great disservice as a new educator in Ontario."

I'm simply asking the Premier today to tell this House why he believes that new teachers graduating from faculties of education should be left without a qualifying entrance exam, should be left without a qualifying certificate and should be subjected to the kind of uncertainty to which they're being subjected as a result of this Ministry of Education not doing its job.

Hon. Mr. McGuinty: The member opposite is just plain wrong. In order for teachers to obtain employment in the province of Ontario, they've graduated and obtained a bachelor of education. They've had to meet standards and pass exams in their education faculties.

Again, I think what this really reflects is the difference in approach to the profession of teaching and to teachers themselves. You will recall that, in many ways, our schools, for eight and a half years under the Tories, were combat zones. We've worked hard to introduce peace and stability and higher student achievement into public education.

Again, I refer to the fact that we have managed so far to enlist 16,000 teachers to come and learn more on weekends and during the summer, to upgrade their skills and to take that special expertise back to the classroom. They are doing that as volunteers, without additional pay, and I think that speaks to the value of the approach that we are bringing to public education when we value the profession and when we value teachers.

SCHOOL CLOSURES

Mr. Rosario Marchese (Trinity-Spadina): The question is to the Premier. Premier, before the last election, your Minister of Education promised to save small and rural schools. Before the election, Mr. Kennedy said: "Schools are the hubs of northern communities, but the Harris-Eves government has failed to support them. We will protect northern schools."

The Fourway school north of Thunder Bay is scheduled to close in two months. Last week—and I've got a picture here that I can't show—parents held a protest to say that the future of their school is in your hands. They don't want to lose their community hub; they don't want their children on a bus for four hours every day on dangerous highways. All I'm asking you to do, Premier, is to stop the closure of this northern school. Will you do that?

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The member will know that we have done a couple of things in this regard. First of all, we've found an additional \$31 million to support our Keeping Good Schools Open plan, which helps schools in remote communities. We know they have special funding challenges. With respect to the matter in Thunder Bay—and I've heard a great deal from my colleagues Mike Gravelle and Bill Mauro on this issue—we also have made a facilitator available to look at any school closure orders between December 2003 and February 2005 to make sure that the school closure is done in a way that does not compromise the interests of our students. I know that there is a great deal of interest in that community and what that board is doing, but we made additional funds available for the plan and we've put forward a good policy which really speaks to the best interests of students.

Mr. Marchese: As of today, no such review has been launched. This is what the board—Vice-Chairwoman

Beatrice Metzler—said in relation to this review: “We looked at all the guidelines and we are living within the spirit of the guidelines.”

We’ve got a problem here. That is why we are asking you to intervene. You told parents they would not lose their local school, but the board says you’ve raised no objections with them and have not provided any additional funding to keep the small school open. You promised new guidelines and the new funding and you have not delivered. Now these parents have been forced into the courts, and they are trying to get an injunction to save their school. Other parents, from Gorham and Ware and Fort William Collegiate, are joining them because your government is closing their schools as well. You have the power under the Education Act to stop this closure. Premier, will you save this school, or will you break your promise, like you did so many others?

Hon. Mr. McGuinty: Let me say that I know the people want to be reminded that under the NDP government, 155 public schools were closed. And I know the member opposite, my favourite thespian in the House, would not want to not have the public informed about that. But again, I can say that we have a new funding formula in place that speaks to the better interests of our students, contrary to the previous funding formula, which was really more of a bean-counting exercise. So we have made a facilitator available, someone who is prepared and go in and review the school closure proposal and make sure that it does not contravene our new approach.

As I said throughout the campaign and before the campaign, we’re not saying that no schools at any time will close ever again in the province of Ontario. What we have said is, we’ll change the funding formula so it speaks to the better interests of our students, as opposed to a dry, bean-counting formula.

MARIJUANA GROW OPERATIONS

Ms. Kathleen O. Wynne (Don Valley West): My question is for the Minister of Community Safety and Correctional Services. Minister, many Ontarians are glad to hear that this government is taking action against residential marijuana grow operations and the criminals who run these grow-ops. However, part of the bill would ensure that properties identified as grow-ops are inspected by building inspectors, and I want to be assured that we’re not inadvertently putting our building inspectors in harm’s way by having them do police work. There’s been much discussion and confusion surrounding Bill 128 and the ability of building inspectors to enter a suspected grow-op without a warrant. Can a building inspector enter a suspected grow-op house without a warrant, and under what circumstances?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member from Don Valley West for her question. It’s an important question and I’m happy to clarify it.

Under the provisions of Bill 128, which is primarily about community safety, a building inspector may—as a

matter of fact, not only may, but shall—enter a building to inspect it, and this is without a warrant, provided he has been informed by the chief building inspector that the police have identified it as a grow-op. In other words, the building inspector doesn’t go in and decide whether it’s a grow-op; the police have already done that under a warrant. They have notified the chief building inspector that this is the case, and the building inspector can go in to make sure that the citizens of Ontario are protected, that they are not moving into a house that is unsafe because of the electricity, because of the mould, because of the chemicals. This is a very good provision in this act.

1450

PETITIONS

GASOLINE PRICES

Mr. Jerry J. Ouellette (Oshawa): I have a petition that reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas gasoline prices have continued to increase at alarming rates in recent months; and

“Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario’s drivers while also impacting the Ontario economy in key sectors, such as tourism and transportation;

“Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

“That the Parliament of Ontario consider an immediate gas price freeze for a temporary period until world oil prices moderate; and

“That the provincial government petition the federal Liberal government to step up to the plate and lower gas prices by removing the GST on gasoline products and fix the federal Competition Act to ensure consumers are protected and that the market operates in a fair and transparent manner.”

As I am in full support of this, I affix my name.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Michael Prue (Beaches–East York): I have a petition that reads as follows:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm in agreement and would affix my signature thereto.

ANTI-SCALDING DEVICE

Mr. Jeff Leal (Peterborough): I have a petition today from residents in the riding of Peterborough. It says:

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government has made changes to the building code which requires a master thermal mixing valve (anti-scald device) to be installed upon replacement or installation of a water heater;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the installation of the thermal mixing valve (anti-scalding device) should be at the discretion of the property owner and not mandated by the Ontario building code."

I am in agreement with this and I will affix my signature to it.

SPORT PARACHUTING

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario that reads as follows:

"Whereas the lives of student and novice sport parachutists have been and continue to be lost to a systemic lack of regulation or accountability on the part of any currently governing bodies;

"Whereas inconsistent monitoring, a serious disregard for or inability to responsibly and competently police adherence to rules, regulations and manufacturer specifications on the part of the skydiving schools and the Canadian Sport Parachuting Association creates unnecessary risk to human life;

"Whereas evidence presented at the coroner's inquest of Gareth Rodgers suggests that the current regulatory body (CSPA) has no desire for accountability or means of enforcing rules and regulations in the sport of parachuting;

"Whereas a system of teaching standards and regulations to safeguard novice and student sport parachutists is grossly deficient;

"Whereas Joe Tascona, MPP Barrie-Simcoe-Bradford, has introduced a private member's bill, the Gareth Rodgers Act for Sport Parachuting, to regulate

sport parachuting activities for the safety of student and novice skydivers;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Dalton McGuinty Liberal government immediately pass and implement Joe Tascona's bill;

"(2) That the Dalton McGuinty Liberal government petition the federal Liberal government to act in a swift and responsible manner in order to ensure that the lives and safety of sport parachutists, especially student and novice jumpers, are protected by law and that the skydiving industry operates in a responsible, competent and transparent manner;

"(3) That the federal Liberal government consider immediate and responsible interim measures to suspend these activities until a viable solution to this matter may be attained;

"(4) That the federal Liberal government seriously consider the 12 sound recommendations submitted by the jury in the coroner's inquest of the skydiving fatality of Gareth Rodgers;

"(5) That the federal Liberal government make the industry both responsible and accountable for its actions and omissions, within strict standards of safety that must be governed by a competent body whose paramount mandate must be to maintain current equipment, thorough and competent record-keeping, and to ensure that manufacturer specifications are strictly adhered to and that appropriate safety standards are being observed at all times for student/novice skydivers and the equipment that they use."

I support the petition and sign it.

VOLUNTEER FIREFIGHTERS

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to present my petition on behalf of double-hatter firefighters—another one. This one is actually rolling in from people in Niagara-on-the-Lake and St. Davids. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time; and

"Whereas double-hatter firefighters are being forced to resign as volunteer firefighters or face losing their full-time jobs, which is weakening volunteer fire departments in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should support double-hatters and protect the right of firefighters to volunteer in their home communities on their own free time."

I support it with my signature.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Frank Klees (Oak Ridges): You just got here.

Mr. Norman W. Sterling (Lanark-Carleton): Seniority does play a role.

This is a petition from 3,500 people who are concerned about the closing of the Rideau Regional Centre in Smiths Falls.

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close the Rideau Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing the Rideau Regional Centre will have a devastating impact on residents ... their families, the developmental services sector and the economies of the local communities;

"Whereas Ontario could use the professional staff and facilities of the Rideau Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"Therefore we, the" 3,500 Ontario residents "undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Rideau Regional Centre open as a home for people with developmental disabilities and to maintain it as a 'centre of excellence' to provide specialized services and support to Ontarians" who are our most vulnerable citizens and provide for their needs, "no matter where they live."

I've signed that.

1500

CONTROL OF SMOKING

Mr. Frank Klees (Oak Ridges): I have a petition here to the Legislative Assembly of Ontario that was submitted by the Richmond Hill Pro Bowl, located at 10593 Yonge Street in my riding, in Richmond Hill. It reads as follows:

"Whereas 20% of the adult population, or 1.8 million adults in Ontario, continue to smoke; and

"Whereas hospitality concepts like bars, pubs, taverns, nightclubs, Legions, bingo halls, racetracks and casinos are businesses with a high percentage of patrons who smoke; and

"Whereas more than 700 businesses in Ontario have invested tens of thousands of dollars each to construct a designated smoking room to comply with municipal bylaws;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Permit properly ventilated and separate designated smoking rooms in hospitality establishments that regulate

and control employee and customer exposure to second-hand smoke."

I'm pleased to affix my signature to this.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Michael Prue (Beaches-East York): I have a petition similar to the last one I read, this time from the residents of Toronto and Mississauga. It reads as follows:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm in agreement, and I affix my signature thereto.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly from a group of parents in Lisgar and Erin Mills, and it reads as follows:

"Whereas there are no established, Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools, be it therefore resolved that,

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic

students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I’m pleased to support the petition, affix my signature and ask Stephaine to carry it for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m pleased to sign my name to that.

INSURANCE RATES

Ms. Shelley Martel (Nickel Belt): I have a petition that has been sent to me from Mr. Jean Roy of Alban, Ontario. It’s been signed by dozens of people in Sudbury and Sudbury district east, and it says, essentially:

“To the Legislative Assembly of Ontario:

“We have had enough of our insurance companies ripping us off and making senseless profit with our hard-earned money.”

I agree with the petitioners. I’ve affixed my signature to this.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Robert W. Runciman (Leeds–Grenville): I have a petition—I will abbreviate it so that members have an opportunity—from Rideau Regional Centre.

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep the Rideau Regional Centre open as a home for people with developmental disabilities and to maintain it

as a ‘centre of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m affixing my signature to this.

ONTARIO FARMERS

Mr. Toby Barrett (Haldimand–Norfolk–Brant): It’s a farm petition:

“Whereas thousands of Ontario farmers have been forced to take their concerns directly to Queen’s Park because of a lack of response from the Dalton McGuinty government to farm issues; and

“Whereas farming in Ontario is in crisis because of the impacts of BSE, unfair subsidies from other jurisdictions, rising costs for energy and a crushing regulatory burden on farmers; and

“Whereas current prices for farm products do not allow for sustainable agriculture in Canada, with a 10.7% decline in the number of Canadian farms reported between 1996 and 2001;

“Therefore we, the undersigned, ask the Legislative Assembly of Ontario to consult with Ontario’s farmers to develop a long-term strategy to ensure the viability of agriculture in our province that protects our rural way of life, and to work in the short term to alleviate the farm income crisis and listen to the concerns of farmers about the greenbelt.”

I agree with the farmers, and I sign this petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I have signed that.

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND
SUPPORT ARREARS ENFORCEMENT
AMENDMENT ACT, 2005LOI DE 2005 MODIFIANT LA LOI
SUR LES OBLIGATIONS FAMILIALES
ET L'EXÉCUTION DES ARRIÉRÉS
D'ALIMENTS

Resuming the debate adjourned on April 6, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

The Speaker (Hon. Alvin Curling): It's time for questions and comments in regard to the member for Nickel Belt's statements.

Mr. Garfield Dunlop (Simcoe North): I only got to hear a little bit of the member's speech on the previous sessional day; I'll be speaking to this myself in a few minutes. It's a bill that I know we need to look at very, very carefully. I think it's really important to the members of this House and to the people in our constituency offices. I don't know if there's a constituency office in this province that doesn't have a lot of FRO calls. That's probably one of the top issues I've faced in my riding, along with birth certificates. I can tell you that this issue hits close to home because it affects a lot of young children and a lot of spouses of the people who are responsible under the FRO.

I just want to say that I look forward to the remaining time we're going to debate this. I will have an opportunity to speak to it somewhat myself and to give some comments from our caucus. But in the end I do think that we on this side of the House will be supporting this legislation. Anything we can do to make the Family Responsibility Office work more efficiently and serve the citizens of our province in a more effective manner is an area I think we have to closely work with.

I thank the member for Nickel Belt for her comments. I know she'll be taking a close look at the remainder of this debate as well, and I look forward to the remaining debate in the House today.

Mr. Dave Levac (Brant): In terms of this particular bill, Bill 155, we're talking about the Family Responsibility Office. When I was elected in 1999, I had a baptism by fire regarding the difficulties this particular portfolio brought to the members, not to mention what the people were going through. When I heard the stories of some of the tricks and some of the things that were being done to avoid payments to that group of people who so deservedly need those payments, it absolutely blew me away. I learned that we're talking about \$1.2

billion to \$1.4 billion and, depending on who you speak to, \$1.6 billion of uncollected support.

1510

If I'm not mistaken, the member works extremely hard from that point, as I remember, and I knew that she was concerned about that even before. I laud her for doing that, because this is a justice issue. It's a simple one. It's a justice issue. I believe that 230,000 children in the province at that time, and probably still the same or more, do not get that support. That speaks to a justice issue.

Is this the be-all and end-all bill that will solve that problem? I believe not. Is it those wonderful steps we all should be taking in this place to clean things up? It's a good step. It's a step that starts to point us toward the things that are signalling that we are not going to tolerate this. Did we hear from 1999 to now the various things that were being done? I would suggest that we need to move forward.

I understand and I'm very sympathetic that the clock is not working, Speaker, so I would like to sit down. I'd never take advantage of a situation like that.

Mr. Jerry J. Ouellette (Oshawa): As I made comments regarding this issue in the past regarding the FRO, if we're going to clean this up, we need to ensure it's done right. Some of the key areas, as I mentioned previously, that I hope will be further addressed—I see the PA is here—relate to the suspension. Is the suspension actually on the licence when you're dealing with the outdoor licensing or the outdoor card, or is it the tag, which is very key to a lot of people? Because party hunting is an element within the natural resources when you're hunting deer or any other species, whether you suspend the licence, which means the individual, or you suspend the tag, those individuals who party-hunt on that tag will also be under suspension and be penalized for the legislation that has come forward.

I hope that the PA or the minister, when they have the opportunity to address this issue, will be able to inform us on what's going to happen with that. I do appreciate the time to speak on this legislation.

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): It's my pleasure to participate in the debate on Bill 155, the family responsibility bill. Some of my constituents from the riding of Bramalea-Gore-Malton-Springdale have been coming to me, some of the mothers who are single mothers, and they are having a tough time to collect the family responsibility allowances from their spouses or previous husbands. As a family doctor, I feel very sympathetic toward these single mothers who cannot collect and they are having a tough time.

This bill, Bill 155, makes some efforts to be able to collect these allowances for those single mothers and for their children. This bill will make sure that the fathers who are not paying the family allowances to their spouses will have their licence suspended, whether it's a fishing licence or a driver's licence.

I commend the minister for bringing this bill. Definitely, it will help the single mothers collecting family allowances.

Ms. Shelley Martel (Nickel Belt): Let me thank all the members who participated in the responses. Let me just say a couple of things. I ended on the last day that I was speaking about this bill talking about my concerns about who will get this computer contract. It was why I raised a question to the Minister of Community and Social Services on December 15, 2004, because we had seen that Accenture had expressed an interest in being part of the request for proposals for this computer system. We watch with interest to see who the successful bidder is, but I certainly hope it isn't Accenture, because the experience that the previous government had with Andersen/Accenture was nothing short of a fiasco; it was a boondoggle. The problem with that computer system at ODSP, and OW today, is still not fixed, and Accenture is still on the government's payroll, so many years later. So I hope, when I see who the successful bidder is, it's not going to be Accenture, and I hope the government has some ways and means to get the contract under control in a way that a previous contract for a computer system was not.

Let me just say that I heard a number of government members say that some of the measures that were being introduced are going to help get money to women and children. I've looked at the measures; I looked at them carefully. I have to tell you that I don't think we're going to raise any money with the measures that they have put forward. Telling people that they are going to report payers to their professional associations doesn't mean that professional associations are going to do anything to get the money. They can't; there's no obligation in the legislation. Sending people to jail longer might work, except that the experience seems to be that no one has gone to jail in the first place, so it doesn't seem to be much of an enforcement tool. There was a reference to third party interests and making sure that people don't shield assets under third parties. That was part of the previous government's legislation in 1996 and that didn't work, so I don't think it's going to work now.

So I don't think the range of tools that are before us is going to make a lot of difference. Unless and until we have a new computer system and a case management system at the FRO, this office will not meet its legal obligations to women and children in this province, and that's a shame.

The Speaker: Further debate?

Mr. Bob Delaney (Mississauga West): Some of the very first constituents who came to see me, sometimes in tears, in the early days after the 2003 election spoke to me movingly about their frustrations in collecting child support from partners from whom they had separated or divorced. By and large, these constituents were single mothers who were the sole supporters of dependent children. Their stories were compelling. In many cases, these parents had obtained judgments entitling them to support from the other parent of their children.

After my election, I began to hear about the neglect within the Family Responsibility Office. I heard about my constituents who had to take an unpaid day off work

and get up at the crack of dawn to spend literally hours waiting in a telephone queue in order to speak with a human representative from the Family Responsibility Office.

There had been no substantive legislative amendments in the family responsibility and support area for eight years. It's not that the previous government had had no warning. The Ontario Ombudsman had warned of serious shortcomings in FRO; the privacy commissioner had warned the government about problems in FRO; the Provincial Auditor had written to say that changes were necessary in the Family Responsibility Office.

I heard in committee hearings that files were maintained on paper and stored in paper boxes. Little had been computerized. FRO local offices had been closed. The staff were not only seriously under-capacity, but dangerously overworked, not to mention overstressed and overcrowded at work—and, let me also add, underpaid. People would phone the FRO office and wait hours to speak to someone, only to find that the last person they spoke with was unavailable, and each person would need to start their entire case all over again with a new person, a new representative, each time. On top of this, after waiting hours just to speak with someone, the person would be put on hold yet again while the representative from FRO looked for their paper files in a box somewhere in the FRO office. Only then, after hours of endless, frustrating and needless wait, could anything productive begin.

That is the past, present and future of the Harris-Eves and now the Tory policy toward the lives of so many vulnerable men and women in Ontario. And the problems are not limited to single parents not receiving their payments from their former partners. Parents who had given up custody of their children and were trying to comply with support agreements or court orders were faithfully, and are faithfully, paying into FRO accounts and, in too many cases, FRO had simply not accounted for their payments properly. Their drivers' licences were still being suspended unjustly. Their wages were being garnished unfairly. The bad actors were getting away with it; the good-faith parties were being victimized themselves.

This is the Tory philosophy: Ignore it, neglect it, underfund it, mismanage it, maltreat it and hope the problem will go away. I say to anyone toying with support of the opposition party, look at what they did to see what they will do if they get close to power again.

1520

The Minister of Community and Social Services, the member from Windsor West, has a fresh approach. She toured Ontario extensively. She listened, and listened some more. She heard from the parents with custody of their children. She heard from the parents paying support faithfully. She heard from the beleaguered staff in the FRO, the people on the front lines who were trying, and are still trying, to match those who need support with those with an obligation to pay it. She heard from the overseers within our government and our justice system.

And she told everyone that results and hope were on the way. Well, Bill 155 continues the process of delivering those results and restoring that hope.

As someone with IT experience, it boggles my mind that sensitive information was stored in paper files under inadequate security. So the ministry has begun to design and implement a case management system. People will begin to deal with one representative, a worker who will be able to access information on-line rather than have to find it on paper. The minister will enforce court orders and track them, penalizing the violators rather than penalizing the faithful payers. The FRO offices will be able to enforce a lesser amount of support when the number of entitled children decreases, and FRO will be able to demand information from more sources, such as trade unions and professional associations. FRO will be able to demand this information in order to find people who have concealed resources or who violate court orders to support their dependent children.

This is clear and decisive action on a burning issue, in support of those who need it most. But John and the rest of the Tories will be missing in action on FRO, because those parents aren't interested in private schools, private health care, tax cuts for developers, horizon-to-horizon sprawl and choking traffic, while vital resources are taken from those who need them most and given to those who already have the most and want still more.

Speaker, I'll be sharing my time with the member for Etobicoke North, and I thank you very much for the opportunity to speak on this issue.

Mr. Shafiq Qaadri (Etobicoke North): First of all, I thank my colleague from Mississauga West for the leadoff.

It's our responsibility, obligation and duty to speak out in support of this particular bill, An Act to amend the Family Responsibility and Support Arrears Enforcement Act. There are three components with regard to this bill: enforcement, fairness and finding efficiencies. This government and the Minister of Community and Social Services, the Honourable Sandra Pupatello, with this legislation have shown a level of determination to bring justice to families and children in need.

As some of my colleagues in this Legislature have already pointed out, unfortunately this is a growing problem in Ontario. Something like 230,000 children fall under the jurisdiction of FRO. Just to give you an idea of some of the numbers involved, in 2003-04 more than \$600 million was actually recaptured from deadbeat parents regarding their FRO responsibilities. I'm pleased to report that, since the initiatives such as the credit bureau initiative, something like \$82 million more has been collected, but there's still a huge amount of money owed, and that is part of the initiative, the inspiration and the incentive for this particular bill.

The inaction of previous administrations actually speaks volumes to the concerns that government paid to the needs of families in Ontario. It was just not on the radar screen. When this government took office, there had been only the most cosmetic changes to the FRO.

This inaction had persisted over multiple warnings from the privacy commissioner, the Provincial Auditor and the Ontario Ombudsman. The silence on an issue of this significance has to date unfortunately been tolerated, yet all the while it is unconscionable. That is why I'm pleased to be part of a government that is taking real and meaningful action on this particular bill.

Enforcement, fairness, and efficiencies: Bill 155 has real teeth. It makes FRO into an organization that can aggressively pursue those who fail to make child or spousal support payments: 230,000 children involved, and I'm told more than \$1 billion still owed in arrears.

This bill doubles the maximum jail time, for example, for failing to comply with court orders, increasing it from 90 to 180 days. This tells non-payers that Ontario is serious, that Ontario is a province that will not shy away from seeing justice done on behalf of the families and children in need.

Fairness and efficiencies: The bill also allows FRO to report defaulting payers to professional licensing bodies and to suspend, as one example, hunting and sport fishing licenses. These are aggressive measures, and this government makes no pretence to the contrary. It's a serious subject and deserves serious measures. We cannot allow defaulting parents to continue to force their families into poverty, because it's at risk of forcing these families into institutionalized poverty.

Mr. John R. Baird (Nepean-Carleton): Where's your tuxedo?

Mr. Qaadri: In regard to the heckler, I would like to inform the MPP from Nepean-Carleton that I will be wearing my tuxedo next at his leadership bid for the federal Tory party.

This legislation specifically targets defaulting payers who deliberately and wilfully shirk their parental and familial responsibilities and support obligations. At the same time, Bill 155 is designed specifically to ensure fairness to all those who deal with the Family Responsibility Office. For instance, if a recipient refuses to respond to official inquiries about whether a child is still receiving or should be receiving support payments, the new legislation introduces measures that will allow the FRO to cease enforcement of the ongoing support.

This legislation introduces sorely needed amendments to the Family Responsibility and Support Arrears Enforcement Act. In a very real sense, it patches the holes in the legislation, faults that have crippled the FRO since the act was first proclaimed in 1997.

The Speaker: Questions and comments?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm certainly pleased to stand up here and comment on the comments of the members from Mississauga and Etobicoke. Unfortunately, they don't want to go back in history in terms of getting the facts on how this situation arose. Actually, it was Ian Scott who took the measures with respect to reforming the family law process, where you went to court and got the order, and put in another system—which did not work, unfortunately. The intent was there, but the fact is that enforcement was the

problem. The bureaucracy that was put in place was put in place by the Liberal government under David Peterson, and for them to come in here today and start complaining about what other governments did is a bit rich. The leader of the third party was involved in those days, and I imagine he's going to talk about it in terms of the improvements they made to the office, to get more money. I know the measures that Charles Harnick put in place when he was the Attorney General with respect to enforcement. It's a very difficult issue, and people shouldn't be pointing fingers in terms of how to deal with it.

There are so many ways you can get around this in terms of if you're looking for another source to try to hide your money, and you won't be able to get at the source with respect to getting at that money. The driver's licence issue is certainly an important issue, but you can drive that vehicle if it's in someone else's name, if it's a business. You can get that car, and they can give you the gas card. So it's not that easy an issue. I think the members' intentions are good, with respect, but they were reading from notes and I don't think there was a lot of thought put into the process.

I didn't stand up and complain that it was against the standing orders because I have respect for debate, but the bottom line is that these members are basically just voicing the party line. They don't understand the history, they don't understand the problem, and the fact of the matter is that this isn't going to solve it. I don't know why they put it in with fish and wildlife. This is a joke.

Ms. Marilyn Churley (Toronto-Danforth): We know that in 2003, 37% of Ontario's low-income families with children were female lone-parent families, and the rate and duration of poverty among children in these families is disproportionately high. Also, if anybody looked, they would have seen that Campaign 2000's Report Card on Child Poverty in Ontario called for a major overhaul of the FRO in order to support these children. What we have before us today are some weak measures that, when you look at them and the kind of problems that exist and have always existed at the FRO, this is not going to fix the system. What I would call on the government to do today, after listening to some of the speeches about the changes they're making, is stop the clawback. That would go, perhaps to a large extent, much further than the measures that are being taken in this bill before us today. We all agree that the FRO needs a complete overhaul, but when you look at the measures that are before us today, they in themselves are not going to correct a lot of those problems, and we need to see a lot more.

1530

Let's look at all the things we need to do to stop child poverty in this province. The number one priority that the government adamantly promised to do before they won the election was to stop the clawback. That's a simple, clear promise. I wish we were standing here today acknowledging that the government kept a fundamental promise to some of the poorest, if not the poorest, children and their families in this province.

I will have an opportunity to speak more about the bill, and to put my thoughts on the record, a little later. But I say again to the government, keep your promise and stop the clawback of the federal child tax benefit.

Mr. Phil McNeely (Ottawa-Orléans): This legislation is about increased enforcement, improved fairness and enhanced efficiency. That's what is being done by the minister with this legislation.

I was at the public accounts committee, and the ADM is on record as saying that the present system costs us \$10 million a year in social assistance, because that's where mothers and children end up when the system doesn't work. If Visa ran this kind of system, where you don't do tracking of non-payments for seven or eight months, they'd be out of business in a few days.

This legislation is going in the right direction. What I like about it is that we're going to get into the 21st century with the computer system, the case management system, and that \$40 million will return to this province within three years, according to the ADM. But that's not the important part of it. The important part of this legislation is that we'll be protecting families and protecting children. That is extremely important.

It was interesting to note that the recommendation was made by the auditor way back in 1994. This could have been put in place in three years; it could have been in place in 1997. That means seven years at \$10 million a year. That's \$70 million that has been lost while we haven't been protecting our families.

I think it's very important that we move ahead with this. We are moving ahead with this, and the investments are being made. The FRO is going to be something that, for people who are expecting payments that are generated from court decisions, the payments will be there, the tracking will be done and the system will work. We'll get rid of the support, I think, by the former government for deadbeat parents. We're going to make sure that the families and children are protected.

Mr. Dunlop: I'm pleased to comment on the leadoff today by the two Liberal speakers.

I think we've made it very clear that we, on this side of the House, are trying to work with the government—to work with everyone—to try to improve the Family Responsibility Office. I think my colleague from Barrie-Simcoe-Bradford said it best: This is not an easy issue.

The members seemed to be a little cynical in their response, in that they felt that previous governments had not done enough. I think, as the member from Barrie-Simcoe-Bradford said, it's a difficult topic and governments should actually work together on this. To point the finger at someone else on previous actions is unacceptable because in this case we have the lives of children at stake.

On this side of the House and on behalf of our party, I know that we want to improve it. We want to make the system efficient; we want to make it effective. We want to make sure that people who are irresponsible to their children and to their families are not rewarded in any way but have to pay a penalty for that. We need to make

sure that as a society we try to rehabilitate people so that they are responsible to their families. We want to make sure that people pay their dues, but we also want to make sure that they're important members of their community and that they receive self-esteem and respect so that, down the road, they can contribute back and not be penalized by a system like FRO.

The Speaker: Would the member for Mississauga West like to wrap up?

Mr. Delaney: I acknowledge the comments from my colleagues in the House this afternoon. To the member for Barrie-Simcoe-Bradford, it is indeed truly rich to try and finger-point blame for a problem that persisted three years into the 21st century and to assign responsibility to a government from the 1980s.

To the member for Toronto-Danforth, the member does appeal to the government to look deeper and to try harder, and I truly do appreciate that. No single initiative will get resources from hand to mouth and address child poverty more than reform to the family responsibility act.

To the member for Ottawa-Orléans, he acknowledges that this is the time to look ahead, to look into the 21st century and to get on with the job. Ontarians agree and so does their government.

I say to the member for Simcoe North, who is a colleague I very much respect and whose hard work I acknowledge in this House, this is about former governments' track records and about ideas, not about individuals. I welcome his support for the bill, and certainly I hope that support persists through his caucus and that the bill is able to pass unanimously.

The Speaker: Further debate?

Mr. John O'Toole (Durham): It's my pleasure indeed to speak this afternoon on Bill 155, which is an Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997.

Throughout the remarks this afternoon I will be using the acronym FRO, which means the Family Responsibility Office. Every member from every party here would be more than familiar with that term: Family Responsibility Office, FRO.

As my opening remarks, I want to compliment the staff in my constituency office at 75 King Street in Bowmanville. Fern Sargent is the person in my office who does a remarkable job in a customer-friendly manner of making the connection between persons involved in the resolution of support orders or custody and trying to make sure that the Family Responsibility Office case-workers have the needed information between the payer, the recipient, as well as we who are serving the public.

I took the opportunity to look up in Hansard the comments made by the minister, the Honourable Sandra Pupatello, when this bill was first introduced. She's not here this afternoon to hear these remarks, but I'm sure she will get a copy of Hansard, because we always appreciate it when ministers take the time to hear the input of the lowly opposition. Often, the suggestion is brought

forward. I want to leave the distinct impression that our critic made it very, very clear—the honourable Cam Jackson, once the minister in this area. I can read his remarks in response the day this bill was introduced in the Legislature, which was December 2, 2004.

Cam Jackson, the member for Burlington, said: "I'm pleased to respond on behalf of my caucus with respect to the Family Responsibility and Support Arrears Enforcement Amendment Act, which was tabled by the minister today. As one who has seen the evolution of support order and custody legislation in this province over the last 20 years," which indeed Cam Jackson has, "I'm mindful that in the late 1980s, when we saw the first legislation in our province, enforcement components were not supported by the then Attorney General of the day, Ian Scott. We have come, indeed, a long way over the course of the last 20 years, so that meaningful enforcement can occur when, as all members in this House will agree, it is extremely important that we support those families who rely on their support payments from a parent who is no longer living with them. For that reason our party will very definitely want to work with this legislation and offer some constructive comments as well as participate in committee in terms of making amendments to it.

"We do have some concerns, and I'm pleased to see the minister has taken a decidedly different tack, now that she is a minister" than when she was the critic on the other side of the House.

1540

All members would know that support orders by the courts are problematic for lots of reasons, and what they're saying in this bill purports to be strengthening. The only thing, on reading this rather important bill—but a technical bill, too, I might say—is that, as I see it, it's strengthening in what it says here. I'm reading from page 1 of the bill itself, the explanatory notes:

"The substantive changes chiefly fall into three categories: strengthening the enforcement tools available to the director of the Family Responsibility Office, improving the methods used for locating default payors and streamlining enforcement procedures."

It goes on to explain in the bill itself, "Some examples of the changes that are intended to strengthen enforcement tools"—and I will read these, because it's important to see how small a step this really is, although it's on the record that our party, under John Tory's leadership, will be supporting this bill. The first thing it says is:

"A power to obtain the suspension of defaulting payors' hunting and fishing licences under the Fish and Wildlife Conservation Act, 1997, similar to the existing power to obtain the suspension of the defaulting payors' driver's licences ..."

I might note for the members who are new here—and most of the current government members are new—that we, along with other governments, tried to strengthen the enforcement tools. One of them was the suspension of a driver's licence. There's a whole debate—Mr. Speaker, you would be aware, having sat here for a long time, not

as Speaker but as a member, both in opposition and in government at one time, and of course you were a minister. Some would say you should still be a minister.

The point I'm trying to make here is that we hear from persons like, for instance, a truck driver, who is the payer. The payer may indeed be a truck driver. If their driver's licence is suspended, no one gets any of the court-ordered arrears. The problem then is, the hole just gets deeper for the payer, because the arrears accumulate. That is not inappropriate, but what is inappropriate is that there may be a time and there may not be a time where this kind of enforcement tool would be effective. I'm wondering whether or not suspending someone's fishing licence under the Fish and Wildlife Conservation Act, 1997, would be of any consequence.

There's another section in here about increasing the incarceration period. It's the same argument. What they're doing there is just adding more days. We had initiated the driver's licence suspension, under director's orders, under our minister. We had also increased the incarceration period. They are now changing it from 90 days to 180 days, as outlined in section 24 of the bill, section 41 of the act. There's the same thing: Now that someone is incarcerated, they are no longer able to earn an income. Who suffers? The child. This is just the tip of the iceberg of how complex the enforcement mechanism is.

In a free society—I'll mention this as well—there are interjurisdictional issues. If a person chooses to move, enforcement becomes even more complicated. We did change the interjurisdictional. In fact, when we were government, we initiated the interjurisdictional coordination agreement with other provinces and indeed the United States.

I go on here with other examples of strengthening the enforcement:

"3. Obtaining information from third parties who are financially connected to payors is made easier."

"4. Information about default may be disclosed to entities such as professional organizations or licensing authorities." That could be a professional organization, as in a lawyer, an engineer, somebody who is regulated as a profession.

It goes on to say in the legislation—and this is just to show both the members here, who are reading from prescribed notes by the minister, as well as those viewing today—in the same section of the bill, the explanatory notes:

"Some examples of the changes that are intended to streamline enforcement procedures:

"7. The director is given the discretion to cease enforcement of support when the support obligation may have ended and the recipient does not respond to inquiries, and to enforce a lesser amount when some but not all of the dependants under an order cease to be entitled to support." In other words, when a child's birthday exceeds the entitlement date. There again, that just shows how detailed this becomes.

Number 8 in this section is:

"Income sources may make payments to the director by electronic transfer, and payments may be delivered to the recipient by direct deposit." Those orders or procedures were, I believe, to some extent in place already.

"The technical changes are intended to clarify the intended meaning of provisions and to update terminology."

So in many cases there are some administrative aspects to the bill as well. But there are other parts here that I think are worth mentioning. I will bring—without revealing any names, of course—some specific concerns of my constituency staff, Fern, into play here.

"Section 28 of the act provides for a 'suspension order' which suspends a support deduction order, allowing the payor to make payments directly to the director rather than having them deducted from the payor's income at the source." This could be for a person who is a contract employee, a person who has changed employer, or indeed is self-employed. "The suspension order does not suspend the support order itself, but the name has caused confusion. Accordingly, the act is amended to use the expression 'alternative payment order' instead."

In number 11 under the explanatory notes here, "One of the enforcement methods provided by the act is the suspension of the default payor's driver's licence, on notice to the payor," which I think is good. "One of the ways the payor can prevent the suspension is by obtaining an 'order to refrain.'" That would be the payor, as I said earlier in my example, potentially needing to drive as a salesperson or a truck driver.

I think I've covered some of the points. The other one is the issue of the interjurisdictional. I want to mention this because it was our government that brought forward the interjurisdictional support orders to simplify and streamline the collection system, making it easier for children to get the money they are entitled to, regardless of where the parent lives. Between 1997 and 2002, I believe we made significant improvements. In fact, there were 16,000 driver's licence suspensions, which led to the recovery of over \$190 million in outstanding court-ordered payments.

I don't think you'll find anyone here who wouldn't do whatever is deemed to be reasonable. That's a term that would have to be described, to make sure that the payer pays. Sometimes it's like getting blood from a stone—if a person is unemployed, for instance. They have no money. Through the divorce and separation procedures in the courts, they often—I'm getting off the specifics, but more on the problems and the mechanics of the FRO process. If someone loses their employment, they've got to go to court to have the court order revised. To go to court, quite often there are papers that need to be filed, as well as legal representation. The person may not qualify for legal representation. They may be in debt already, as many are. The payers themselves are in debt because of the difficulties during separation and divorce and custody battles, which are ongoing lifetime issues.

I'm dealing with Minister Bountrogianni on a specific case, a divorce, and I'm trying to deal with her amicably

to solve that problem, but in many cases there are what I would call personal issues between the two parents. This makes it even more difficult, not just for the support orders themselves, but often—and I don't mean to cast aspersions here on any side of the equation—the children find themselves in the middle, being used as leverage, one parent against another. Whether it's a visitation entitlement or a custody issue or monies that have been given for birthdays that are not included, all these minutiae surround these difficult family issues.

I would like to be on the record as doing anything to strengthen, first, the family unit as a viable societal unit, but secondly, to find more appropriate ways and means of mediating or arbitrating disputes, as opposed to the court system under the family law. That is, to me, the problem, because when I get into it in even more detail—all members, I'm sure, regardless of their political persuasion, recognize at the end of the day that it is the children who fall victim to the situation of two adults disagreeing on fundamentally everything: who has what and who gives what.

1550

We reviewed some cases in our office in the riding of Durham. These are just general observations; these are not criticisms of the justice system or anything else. The first point that we concluded was that judges are writing orders that support payers cannot fulfill from their weekly salaries. In some cases, the ongoing support cannot be met from the 50% garnishee of wages.

Imagine the implications for either one of the parents, deemed to have to pay 50% of their income, who have to then pay off legal bills and a lot of other commitments and still appear with some dignity with the children, if they do have visitation entitlements. Therefore, the arrears are accumulating each month, because the payer cannot meet the original support order. Again, to have the support order changed, they've got to go back to court.

There's got to be disclosure from both parties. One spouse may not have fully disclosed income, and therefore the support orders, in many cases, are based on income records that are old. For instance, a person working at General Motors or Ontario Hydro the year they were assessed by the courts may have found themselves, as they are this year, in a year of layoffs. There have been three and four weeks of layoffs announced at many of the automotive plants. The payers, who are skilled tradespersons, may have employment records during a boom year that have them making \$100,000. Now they may be living on employment insurance, and these court orders, which would be attributed to the original court decision based on \$100,000 income, are of no consequence. They can't meet them, so they get deeper in the hole. The frustration and depression that sets in, not only with their spouse—their other partner—but also with the children, who may be getting negative vibrations from one or other of the partners, makes the resolution of going forward much more difficult.

Another point is that caseworkers at the FRO, the Family Responsibility Office, need more resources and

tools to assist payers and recipients with their need to get cases resolved faster. Rather than going through the courts under every circumstance, having an affidavit—a testimonial statement from a third party on either part to improve the outcomes for both parties and the children—might be a way of streamlining enforcement procedures to meet their objectives.

This is number three. Warrants for committal need to be processed faster to serve default payers more quickly. There is a backlog, according to my office, in preparing the necessary legal documents to deal with these warrants for committal.

Another issue: We found that there should be a higher priority given to locating default payers. These are people who move out of the jurisdiction or who have just gone underground. In many cases, they're personally bankrupt, and it's like getting blood from a stone. Yet this incessant beating on the individual is a penalty to the children. So it would be more expeditious if the Family Responsibility Office could move to resolve these issues initially; it's going to save down the line. I support the new resource, Internet tracking, to find any deadbeat parent.

Number five, which we as a group found in our office: Recipients claim that the FRO does not go far enough in trying to locate default payers. We suggest investigation teams with the ability to get more information about sources, as is outlined in section 24 of the bill, section 41 of the act, to make it easier to obtain information from third-party payers who are financially connected to payers: an employer, accountant or someone of that sort. I support technical tools given to the director to streamline enforcement procedures. The initiative to locate default payers would benefit many of my constituents.

Once a person is being hounded, there has to be a better method of identifying—I think there's a role for the federal government, under the Income Tax Act, to connect the dots here to make sure that, on filing, they could adjust. If an employee's income had been substantially reduced because of employment circumstances—they got depressed; they missed a lot of time from work. It's a complicated, convoluted issue. There needs to be a certain amount of compassion and sympathy on both parts.

Just retracing the last three or four weeks, we got an average of about 15 calls per day. When I say 15 calls, that doesn't mean, "Hello. Have a nice day. Goodbye." These are complex, interpersonal issues and, again, I commend Fern in my office for working patiently with both parties to make sure that single parents in charge of children are receiving as much as possible and that the FRO knows the details.

My suggestion would be to look to the courts to streamline much of the decisions, to have a more expeditious way of resolving income matters for both partners in the relationship and, at the end of the day, to set up a fund so that any surplus amounts at some point accrue to the child and their future. When you think of normal parent circumstances, the parents would be saving some money toward their future education and training.

There's a lot that needs to be done, some of which is in this bill—a very small step going forward on collection enforcement—but I believe all parties need to support it and the government itself needs to ensure that compassion and realism have a place in the enforcement process. I can only tell you that in our riding it is the number one priority. I can say that often I have great sympathy for the payers, who I believe are being manipulated, substantially in some cases, under the custody orders. As such, at the end of the day, the fairness needs to rest with the interests of the children being first and foremost, regardless of the policy and ideology behind it. Thank you for the opportunity to speak.

The Speaker: Questions and comments?

Mr. Howard Hampton (Kenora–Rainy River): I listened carefully to the member for Durham's comments and I actually want to pose a couple of questions to the member for Durham. He, like myself, has been a member of this Legislature for the last nine years and he will remember when the first Attorney General under the Conservative government, Charles Harnick, introduced amendments to this program. In fact, one of the amendments he made was to change the name to the Family Responsibility Office. It used to be called the family support plan. What I recall is that when Mr. Harnick, who was then the Attorney General, introduced amendments to the plan, many of the amendments he introduced were the same amendments that are being introduced here today by the now McGuinty government. In fact, I read some of the statements made by the now Minister of Community and Social Services, and her remarks read remarkably like the remarks made by Mr. Harnick when he released similar amendments.

What I noticed is this—and I guess I want to ask the member for Durham this question. When Mr. Harnick introduced amendments very similar to the amendments introduced now, he said that this was really going to fix the problem, to result in the collection of more money, and there would be fewer children and families going without money and fewer deadbeat dads and the whole thing. I see the same Minister of Community and Social Services making the same comments today. I want to ask the member for Durham: Doesn't it strike you as unusual that we're seeing many of the same amendments that were brought here in 1996, yet the problem grows more serious?

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I'm pleased to join in this debate just for a couple of minutes or so, following on the comments by the member for Durham. I suspect that around this House we all share a common goal with this type of legislative change, and that is to protect the victims. For the most part, as it relates to the Family Responsibility Office, the victims are the children. They're not the only victims in these situations, but they're the principal victims. This will be the first substantive change in the legislation in some eight years, and to the extent that amendments to this legislation will make it ultimately better for children, it should be endorsed by this House and should ultimately be passed.

1600

If we can look at enforcement tools that might be available to us and, in doing that, encourage those who have payments to make to do that, then it's the right thing to do. Extending licence suspensions such that one can't get hunting and fishing licences is an appropriate tack to take. Those are privileges of citizens in good standing; they're not rights for someone who has a situation where they're in arrears in respect to their responsibilities to children and family members. If increasing incarceration from 90 to up to 120 days as a result of court orders and court actions drives home to more of those who would not make their payments the severity of the situation and supports children in families without both parents available, then that's also an appropriate thing to do.

There are multiple aspects to any individual piece of legislation, but keep in mind that our objective here is to ensure that victims are the ones we keep an eye on in changing enforcing elements—

The Acting Speaker (Mr. Ted Arnott): Thank you. Further questions and comments?

Mr. Tascona: I'm certainly pleased to comment on the comments by the member from Durham. As I said earlier of this initial exercise in bringing the bureaucracy into family responsibility, I think the intentions were correct. I think the method that Ian Scott was looking at was a basis where a person has a job—is an employee—and you go after that individual. But it didn't work, because the fact of the matter was that it was a very simplistic model and didn't have enforcement mechanisms to go beyond the job and the income that was earned there. The changes that were made by our government expanded on the enforcement mechanisms because you had to, to deal with different ways to make sure a person didn't leave a job to avoid their responsibilities.

There are issues, looking at section 35 of this bill, in terms of notice dealing with losing your licence. Obviously, if you lose your licence, it could affect your livelihood, and if you haven't got a livelihood to go to, you're not going to be able to make your support payments. I think the government should look a little bit closer at the process that's been put in place for section 35, because it can be problematic in terms of trying to deal with the situation to ensure, number one, that the payments are made, but also that the individual doesn't lose that job. The mechanisms can become problematic, especially if the spouse leaves the jurisdiction they were living in and you're dealing with one court system versus a court system from another area.

It still doesn't fundamentally address the problems that everybody who is an MPP who has been dealing with this knows about: the self-employed individuals who find another pool of money to have their livelihood protected but who don't pay their support obligations. This bill does nothing to deal with the existing problem.

The Acting Speaker: We have time for one last question or comment.

Ms. Churley: I will be speaking to this bill in the next go-round, and I will have more to say then. So everybody out there can tune in, following up on your request—

Mr. Tascona: When?

Ms. Churley: In just a couple of minutes.

Mr. O'Toole: Turn on your VCR.

Ms. Churley: That's right.

Several of my colleagues have spoken to this bill already, and I will be reiterating our concerns about the bill. Of course we support it. Anything that moves it forward is a good thing. But we will be pointing out, and I will be pointing out again in more detail, the problems with the bill.

I understand that the government is aware that the office is not doing the job it should be doing. We're dealing with poor children and, in many cases, with single-parent families led by the mother who can't get by without this money. And when it falls into arrears, it causes terrible ripples throughout the entire family, from not having enough food to feed the children to not being able to buy them school supplies to sometimes not paying rent and losing mortgages. We hear these kinds of stories in our offices.

When we turn these numbers into real people, as we see when they come into our offices and we see firsthand the kind of devastation that these payments being in arrears causes to families, we really want to get to the bottom of the problem.

This bill is not doing it. We saw as much from the previous government when it made some attempts very similar to this to increase enforcement measures, but not at the same time dealing with the computer system and making sure there were enough resources in the office. It's the same thing now with this bill, so we're not really going to see that much of a difference if this bill is passed.

The Acting Speaker: The member for Durham has two minutes to reply.

Mr. O'Toole: I'm very impressed that the leader of the NDP responded and, in fact, left a question, and also the members from Pickering-Ajax-Uxbridge, Barrie-Simcoe-Bradford and Toronto-Danforth, who will indeed be speaking next. She is known to be quite an advocate in this area, and I'm anxiously awaiting her remarks to see how she could add something positive to this bill.

The leader of the NDP gave some service to the work of Charles Harnick when he was Attorney General, and said in substance that the amendments we see today are basically the same as were introduced in 1996. In fact, one of the members in the House, the member for Ottawa Centre, said that the notes that the minister used in her opening comments were written by the same bureaucrats. I understand the meaningful intent of that was that the elected members quite often—if it's a court issue, we hear continually from the Attorney General that the elected member has no role in any of these quasi-judicial issues; the members themselves have no role.

The role we have here is, in the legislative sense, to meaningfully debate the bill and bring forward substantive amendments or recommendations in the debate. What's missing, of course, is that the government has to

be listening. And if I'm looking at the comments made even today by the leader of the NDP, as well as the member from Barrie-Simcoe-Bradford, who is a practising lawyer—not in this area; I think he's in labour law, actually. He does, I believe, continue to practise and is known to be a fair-minded person. But what we're looking for here is a government that's not just prepared to say certain things before an election or even during the debate of legislation. In my view, to actually listen and be prepared to substantively mend, based on good policy, makes good politics.

The Acting Speaker: Further debate?

Ms. Churley: Yes, indeed, it is my opportunity now to add my comments and thoughts to the bill before us today. I was, just out of interest, reading through comments made. In particular, I was interested in the comments made by my colleagues Peter Kormos from Niagara and Shelley Martel from Nickel Belt because, Mr. Speaker, you will recall—I think you were here sitting on the government side of the House then, back in 1996. I was quite amused to read Mr. Kormos's comments saying, if I could quote him here, "Shelley Martel broke into that office in 1996. I saw the videotape. And she's lucky she never went to jail, I'll tell you that."

As you will recall, not all the members who are in the House now were here then, but I was. Having served in the NDP government as the minister before that and then ended up sitting over here—we've both experienced that now—I remember it very well, and I'm going to tell it like it was. It was both Mr. Kormos and Ms. Martel who broke into that office. The reason they did it—and these kinds of steps are not taken lightly—was because of tips that were provided to one or both of them, perhaps by people who worked there and were afraid to blow the whistle publicly or whatever. But they were given information that really there was no FRO office any more, because what had happened—and you'll recall this, Mr. Speaker. The problem at the time was the elimination by the Harris government, your government of the day, of the nine regional offices. The idea was to create one big mega-office, kind of like the idea of creating one big megacity, but that's another story for another day. In my view, that is a disaster too and I'd like to undo that. But we'll debate this idea of creating a mega-office without really thinking it through at another time.

1610

We found out, when we watched the videotape—I remember it well; it was quite shocking. They had clearly more or less broken into that office. There was a security guard there. Then they watched the videotape, and they came back and called a press conference and showed the videotape to the media and to the public, and it truly was shocking. Do you remember it? Were you here then?

Mr. Dunlop: No.

Ms. Churley: So none of this is your fault.

The shock of it: Let's again turn these numbers that we're talking about into people—mostly moms and their kids. Although there are a few men who depend on child support, it's mostly women and their kids. Turn them into

real people and then imagine what we saw on this videotape, what Peter Kormos and Shelley Martel had seen, and that was box after box in the hallways with files spilling out all over the floor. I actually, after all these years, still have that image in my head because it was just so shocking. This was after months and months, when we were getting more and more calls in our offices and we knew something was afoot. What we saw was that some of these boxes were bursting and files were falling out on to the floor. Clearly, the office was not functioning, and this had been going on for months.

Let's be fair here. Mike Harris and the Conservatives ran on cutting red tape and generally cutting government spending, and they followed through on that. We realized that unless we blew the whistle on this, nothing would change. So the whistle was blown, and the government made some attempts then to try to fix it.

It has been mentioned by my colleagues—and my leader, Howard Hampton, mentioned it earlier as well—that then-Attorney General Charles Harnick came forward with some measures not unlike the measures that we have before us in this bill. It was about more enforcement. The promises that were made to people, particularly to those people in arrears, were pretty grandiose at the time, as are these promises now.

I know that my colleague Ms. Martel, who has spent a number of years as our critic in this area and who knows the issue very well and knows where the pitfalls lie, is making it very clear that of course we're going to support the bill. Any movement forward is a good thing. But from her knowledge and experience, she is telling us all to be careful of what we promise here with this bill. She's telling the government—we are telling the government—that it's very similar to what the Tories did before and it didn't work, and it is wrong to set up expectations that this bill is going to fix the problems that it purports to, because it's not going to. You can't fix these problems without the proper resources.

I know that Ms. Martel said it, and I'll say it: Talk about *déjà vu* all over again. There's a lot of *déjà vu*, as you know, Speaker, in this place in all kinds of bills over the years, over the months, over the days. Sitting in the chair, you hear a lot of *déjà vu* over and over again. But this is a very painful *déjà vu* to be caught up in, because, again, we're talking about children who desperately need the family support money that they're not getting.

May I say, and I think it has been pointed out here, that the majority of people—mostly men, but there are some women who are in the position of paying child support—do pay and they pay up on time and are very responsible toward their children. We know that. Then there are those we refer to as deadbeat parents who don't pay. They are the problem. We don't have a system in place yet, and this bill is not going to make the changes we need to make sure that those who are irresponsible and who are not paying their arrears pay them.

One of the things we keep hearing over and over again is that we need a brand new computer system to deal better with the case management—and we don't see that

today—and that we need to have more experienced full-time case managers, people in the office to deal correctly, swiftly and knowledgeably with those who are in arrears. What happens—and we see this in our offices, and it really is heartbreaking. We deal with the people who work there, God bless, and they're conscientious and they do the best they can with a computer system that isn't working properly and can't do the job it's supposed to. There are way too many cases for them to be able to keep up with, and no consistency in the cases they follow. They do the best they can. It's incredible stress and pressure on them.

The reality is that we have people come into our offices, women who come in or call us and say, "I haven't received any payment in six months. I've sent in, I've called in, I've written in my ex-spouse's address, the phone number where he works," blah, blah, "and I'm still not getting my money." Or conversely, occasionally we get a man coming into our office with proof that he has paid. He's not in arrears, but something's gone wrong. It's piling up and piling up and, after months, he's being confronted with this huge bill for \$5,000, \$10,000 or whatever it is and can't get a response back to clear it up, and then the threats start.

We hear from people, mostly women, where sometimes their ex-spouse, the father of their children, is so in arrears for months and months and for thousands and thousands of dollars that when the FRO finally does catch up with them, if they do, it's impossible for them to pay in many situations because it has built up because the resources weren't there to be able to deal with the problem right away. If you notice that somebody is in arrears for a month or for the first couple of months and they're not too far gone, you get on that right away. You threaten that person right away with the loss of a driver's licence or whatever other enforcement measures you have, but you get on it right away before those arrears are built up to the point where they feel they have no choice but to try to run and hide. The more they owe, the more they don't pick up that phone when they're called, the more they don't answer that letter, the more they run away from their responsibilities. So it's absolutely critical.

This would be true in any circumstance where you're trying to recover money that's owed. The more it builds up—it's not only the person not getting it on the other end, but the person who's supposed to be paying. It's less likely that they're going to pay it. Yes, you're increasing jail time in this bill, but if that person has gotten to the point where they are six months in arrears and by the time they're caught up, their licence is removed, they can't drive that truck any more or whatever, they no longer have an income and they're thrown in jail. It doesn't really solve the problem.

That's not to say that there shouldn't be punishment for those people who are quite clearly and deliberately running away from their responsibilities. I have absolutely no sympathy, as I expect none of us do, for any parent in this province who runs away, and indeed doesn't go out of their way to follow through on their

responsibility to make sure that their child has the kind of income so they can live a reasonable life—enough food to eat and a roof over their heads etc. I have no patience whatsoever for those kinds of people who deliberately run away from it.

So what we have here is a bill that does more on enforcement, but doesn't do the basic things that New Democrats have been recommending. We of course understand that the government may not necessarily listen to or respond to the recommendations the opposition makes, although from time to time they do. I'm proud to say that I was very pleased when Mr. Sorbara publicly credited me for practically bullying him, pushing him into finally following through on the promise on the film credit that he had been reneging on in questions in this House. It just goes to show that occasionally the opposition, when we know it's the right thing and we keep pushing and prodding, along with other stakeholders, can and does sometimes make a difference. It shows that this place sometimes can work, that the opposition, along with the government, can actually get things done.

Interjection.

1620

Ms. Churley: Oh yes, I'm patting—how often do you guys pat any opposition on the back? Not very often. In fact, quite frequently I see them get up over there and take credit for what we do over here or have done in the past. So I think that's OK.

Coming back to the bill at hand, I just want to read to you some of the things the Ombudsman said in January 2005. As you know, Clare Lewis, who has recently retired—but I'm sure he's not really retired; he's out there working magic in some other area now—repeatedly raised the FRO as a problem in his reports. Here is an excerpt from 2003, and he made a special point of raising it upon his retirement in January 2005, because it's one of his big concerns where he's just not seeing improvement. Here's what he said:

"The Family Responsibility Office in Ontario is often not adequately addressing children's needs in divorced and separated families in Ontario....

"As long as this problem continues to exist, women and children are suffering because they are not able to get the financial support they need to live. In Ontario, many children are affected by this problem. This is unacceptable. My office has made some strides but there is still a lot to be done to improve child support payments in Ontario. The sad fact is that until the FRO has more resources, it will not be able to meet adequately the needs of the very parents and children it was intended to serve. However, the current government and the responsible minister, Ms Papatello, have taken several encouraging steps which give me reason to believe that serious concern and attention are being given to address FRO deficiencies."

Of course, I assume that he was referring to the bill that's before us today, that there was some encouragement and some hope that things would get a little better.

As I pointed out, the NDP caucus is disappointed because we, too, were expecting more, based upon the recommendations from the Ombudsman and from others that what is needed is not necessarily more enforcement tools, which won't work that well anyway unless you have the resources there to enforce them. We're not seeing those very recommendations that would make the difference.

I want to read to you a quote from Keith Leslie from CP:

"'A good many spouses and children are not receiving money they need, and they are vulnerable,' Lewis said as he released his annual report.

"'I have great concerns about the impact on single parents with children who often float into poverty.'...

"'There's been a failure to enforce and a failure to stop enforcement.'

"Lewis blames most of the problems at the FRO on the fact the agency still doesn't have a computer system able to support the payment program and case management, a problem he said the government promised to fix as far back as 2001.

"'Well, that's then and this is now and it hasn't yet occurred,' said Lewis.

"'There's human error and there's also technological inadequacy.'"

It's very clear from these reports from the Ombudsman and from others that what is needed is an increase in resources and a new computer system. We have been told that there could be a new computer system, promised by the spring of 2006. Now, we've heard lot of promises over the last several years about new computer systems. I just find it astounding and appalling when we know absolutely, without a doubt, that the majority of the problems there are not fixable without the new computer system.

Until it is implemented and until staffing levels are raised, it is really unlikely that many changes made by this enabling legislation before us today will actually come into effect. The FRO is still understaffed and under-resourced and clearly struggling under the weight of the existing model, under which, among other things, there is no dedicated caseworker to monitor individual support orders. I believe that that, in itself, is a major problem. We've seen it in other areas as well, but with this one, it's so fundamentally critical that there be a case management, where one person is following a set number of cases and has a handle on who the people are—who's regular and who she or he can depend on and can put aside and not worry about too much—and a knowledge of all these individual cases.

The government, I noted—I believe my leader asked a question about this the other day. To our shock, we found out that the government has refused to rule out Accenture. Remember that, Mr. Baird: Accenture?

Mr. Baird: Good people.

Ms. Churley: They were the providers of the Tories' flawed social assistance computer system. Mr. Baird says they were good people. Well, remember what happened? Remember what happened with Accenture under that

regime? I know that the Premier's former chief of staff, Phil—

Mr. John Milloy (Kitchener Centre): Dewan.

Ms. Churley: Phil Dewan is now a lobbyist for Accenture. It just goes to show once again—I remember when the Liberals were sitting on this side of the House. We could dig out quotes of how vehemently, and at times viciously, they went after the previous government about this. Remember that? You remember this kind of thing?

Today some of the members from the Liberals were yelling out about the “sleaze” of some of our questions, and “below the belt” and “nasty.” I yelled back and I said, “You guys wrote the book on this stuff.” If this were you sitting over here now and you found out that this—I'm talking to you specifically now—

Mr. Levac: I talk sleazy?

Ms. Churley: No, no, no. Some of your members were accusing New Democrats today in terms of our—

Interjection.

Ms. Churley: You should. But I'm saying, there is something about this that just smells; it doesn't look good. What we want to see is the government get that new computer system in place right now, and we want to make sure that whichever firm wins the bid on this is going to be reputable and do a good job and doesn't rip off the taxpayers in the process.

Understand that there are many other issues that I now have no time to get into, such as liability issues regarding the posting of deadbeat parents. I personally think that's a good idea. I think anybody who has sympathy for the parents who are not getting the money they should be getting would support this, but there is always a chance of mistaken postings, and that could be really critical, if somebody's name gets put up and they're actually not in arrears. Who is going to deal with that should that happen?

Increasing jail time: I talked a little bit about it in terms of some of the problems with that in terms of actually getting the money into the pockets of the parents and the children who need it.

At the end of the day, we'll support this bill, but it's really not going to do that much to improve the conditions that the government says they're hoping the bill will improve.

The Acting Speaker: Questions and comments?

Mrs. Carol Mitchell (Huron-Bruce): It's certainly my pleasure to rise to support Bill 155. Unlike the previous government, we have listened and we are committed to taking aggressive action to get families the support that they need and deserve. This legislation will increase enforcement, improve fairness and enhance efficiency.

I would like to go over some of the facts, the numbers, so that the people of Ontario have a better understanding of what the FRO caseload includes.

There are 185,574 active cases at the Family Responsibility Office. There has been a 45% increase in caseload since 1994. The arrears at Family Responsibility are \$1.29 billion. That is the total historical amount of sup-

port payments that are in arrears and that are owing to the families in Ontario who desperately need help; \$201.3 million is the total amount owed to taxpayers for social assistance that is paid to the families and children when parents do not make their support payments. This is a necessary stopgap to ensure that these families have the food, clothing and shelter that they require, but this is the amount, as well, that is owed to taxpayers to make sure that our taxpayers receive the maximum benefit from all their tax dollars. I put these numbers to the people of Ontario to give a better understanding when we talk about family responsibilities and the importance of the changes represented in this legislation.

1630

Mr. Baird: I want to congratulate my colleague from Toronto-Danforth for her fine remarks on what is an important bill. All of us as MPPs deal with family responsibility issues every day; at least our hard-working staff do. I know the member for Toronto-Danforth's constituency office does a lot of work in this regard, and she knows that mine does as well.

I guess we're putting a lot of hope in this bill. I hope the bill can do everything the government says it will. I had conversation the other day with member for London North Centre, who reminded me that the bill does a few things I didn't think it did. She thinks it does, and God bless. I hope it works out, and I hope it can do that, because we should do more. One of things that is also important is to be realistic and not leave a false impression that the government can solve every problem in this regard. Far too many of these payers will flush the money down the toilet before they send it in; they'll declare bankruptcy, quit jobs, go on social assistance, as reprehensible as it is to admit that. It's hard to come up with a statute, regulation, policy or practice to deal with that. They're not going to pay. If someone is unemployed and on welfare, they're not going to pay back a heck of a lot. Obviously, that's unfortunate.

The inability to successfully enforce a court order in Ontario should be a huge concern to all of us. The significant administrative dealings with the courts where the judgments are not clear or they vary—if we could even get some consistency on that. I hope the parliamentary assistant and the minister will challenge the judiciary to come up with a clear and effective process that is easy to communicate, because that is in order. I know the member for Toronto-Danforth would agree with that comment as well.

Mr. Milloy: I want to congratulate my colleague from Toronto-Danforth for her presentation. Although I didn't agree with all of her analysis, I do agree with her about how important this bill is. I think every member in the House could go on at great length about the problems that have been brought to their constituency office staff by people who are dealing with the FRO. Many of us would talk about the nightmares people have gone through, especially women who are looking for support from deadbeat dads, but also the flip side—and I think we have to be fair—people who are paying support and

have found themselves locked into a situation of bureaucracy and unanswered questions and a system where they found it very difficult to manoeuvre.

I welcome this bill, which I understand is the first substantive amendment to the FRO act in eight years, and I think we, as a government, should be proud that we're putting it forward. The simple fact is that this whole issue of the FRO, which is so crucial, was neglected by the previous government. We saw reports coming forward from the Ontario Ombudsman, the privacy commissioner and the Provincial Auditor, all saying that the problems with FRO—the backlogs, the increasing bureaucracy and the inability to manoeuvre through the system—had been neglected, and yet we saw no action. Here we have a bill put forward by this government that is going to do three key things: increase enforcement by extending the maximum jail term for failure to comply with court orders, improve fairness by allowing FRO to enforce a lesser amount of support when the number of children entitled to support decreases, and enhance efficiency by expanding the number of organizations from which the FRO can demand information to include trade unions and other professional organizations.

This bill goes a long way in addressing some of the concerns that have been raised over the past few years, and I think it's high time that we dealt with this.

Mr. Dunlop: I'm pleased to make a few comments on the member for Toronto–Danforth's speech as well, and on some of the other questions and comments that have been made around it. I think it's important to note that we have some statistics on file here now that are on record as saying that previous governments apparently have done nothing in this area. Now we'll have some numbers on file; we'll have some data in Hansard, as the member from Huron–Bruce just mentioned, about the total dollars etc. We'll keep a close eye on that over the next three years. In 2007, we'll make sure that those numbers are down substantially, and we'll see the success of this particular piece of legislation at that point.

That's what we're counting on happening, but that likely won't happen. As I've said, my constituency staff have been dealing with this for years prior to the Mike Harris and Ernie Eves governments, and nothing has really been improved upon in this area. As a number of members have mentioned here today, this is very delicate area and it's a very delicate subject. Each government tries to bring forth amendments and tries to make improvements to the system. Perhaps doubling the jail fines or taking away their hunting licence is the answer; we'll give it a try. But I'm not encouraged by what will likely be the results two years from now. That would be nice if it did happen, if we could actually see a substantial saving and people would be responsible and pay their debts to their families. That would be good for all the citizens of Ontario, particularly those families. I'm a little leery that it probably won't happen.

Anyhow, the numbers are in Hansard here today, and we'll look carefully at those over the next couple of years.

The Acting Speaker: The member for Toronto–Danforth has two minutes to reply.

Ms. Churley: I want to thank the members for Huron–Bruce, Nepean–Carleton, Kitchener Centre and Simcoe North for their comments. I particularly want to thank the member for Nepean–Carleton for congratulating my staff for the work that they do.

Mr. Baird: Good people.

Ms. Churley: They are good people. It's Manna Wong, Louise Morin and Christine Kemp in my constituency office and Jasmyn Singh in my office here, who are incredibly hard workers. Without them—I'm sure we all feel the same—we couldn't do our jobs, because they are the ones who deal far more than I do on a daily basis with the people we're talking about here today. I want to thank them too, as do many of my constituents for whom they work diligently and hard to try to help.

This is an ongoing concern in my constituency office. As we all know, these cases continue to be there day after day after day. I know that my staff have their contacts in the office, as all our staff do, and they would be the first ones to say that the staff working in the FRO are, on the whole, conscientious, hard workers and are really frustrated and stressed because there aren't enough of them to keep up, which brings me back to the central core of the New Democrats' criticism of this bill.

Of course we're supporting it. We see trying to beef up the enforcement as a good thing. But again, I want to say to the minister, who is here, and the other members in the Liberal Party: Do not make any more promises that you can't keep. I think you would agree with that, because this bill is not going to be able to do what you say you want it to do without more staff and the computer system. That has been made very clear—

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): You know we ordered the computer system.

Ms. Churley: Yeah, but we don't have it yet, so you're making these—

Interjection.

Ms. Churley: There goes the minister. You know, Sandra Pupatello—

The Acting Speaker: Thank you very much. Further debate?

Mr. Dunlop: I'm pleased to take part in the debate this afternoon. It's day three, the second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act.

A couple of the other members have mentioned the importance of the FRO and what a huge issue it can be in the constituency offices. In central Ontario, we have our problems as well. I can tell you that in my office in Orillia—Marilyn Rolland and Mary Silk—this becomes an issue they have to deal with on a regular basis. It's probably the most important issue we're faced with year to year in the constituency offices. In my Midland office, Joan Lawrence and Marjorie Roach work on these issues as well. I can tell you that in some cases there has been the problem of miscommunication at the FRO office, but

in a lot of cases our office has been able to get the contacts at the Family Responsibility Office, and we have had fairly good success rates dealing with that office.

1640

I want to talk a little bit about the Family Responsibility Office and the types of issues that people face. In a lot of cases, couples get married and have families—naturally, you would expect that everything would turn out well and problems wouldn't exist, but I want to give the general public and the people at home some examples of some of the problems that we've faced in the Family Responsibilities Office.

Not too long after I was elected in 1999—I guess it was the year after—just prior to Christmas, I had a young lady come to my office. She had two small children with her. She was very clean-cut, but she was very stressed out. I'm not going to mention any names, of course, but the problem she had was that somehow, by way of her boyfriend or husband, they had lost the apartment. The spouse had given up on the apartment—had signed off or not paid the bills—and moved out when she was away over a weekend. What had happened was that she came back and there was no place for her to go. She came to my office. That's one of the most difficult times I'd ever had. It was just prior to Christmas, and there was just no place for her to be. Her family were all in other parts of the country, and she had no place to be for Christmas-time.

Anyhow, thank God for the Salvation Army, and I hope every member in this House would respect the work of the Salvation Army. The Salvation Army came to her rescue and helped her out. After a few days, we were able to get her some assistance. Everything worked out OK in the end, but it was a case where the spouse had actually dropped her and the two little ones for a girlfriend. They were out having a good time, and the young mom, with her two small children, was left on her own.

It's hard to believe people do that. I'm fortunate; I've been able to have a family, and we haven't had those sorts of problems, but I can tell you that that was one of the most frustrating periods that I've found as an MPP: dealing with those kinds of issues. They continue to come up even to this day—not examples quite as bad as that, but I can think of a gentleman who came to our office not too long ago. In a lot of cases, it's the men too. This gentleman had obviously made some terrible judgments over the previous two decades and hadn't seen four of his children in something like 15 years. He owed a ton of money through the Family Responsibility Office and couldn't even get in touch with the people. He wanted to rebuild his life. He wanted to get back on track. I'd hope that would still be possible, even for someone who was in a desperate situation.

I just wanted people in the House and at home to know that our constituency staff, who have to deal with these kinds of issues, face people who, in a lot of cases, I would think, are close to being suicidal. I know that in this one particular case, with the gentleman who hadn't seen his children in 15 years and who owed a lot of

money to the FRO, I spent two hours talking to him. I'm no psychologist or anything else—I'm not trained in any way whatsoever in that area—but in some cases people, both male and female in these cases, need somebody to talk to. In this last case with the gentleman, we thought perhaps we had made some movement in a very positive and forward direction to help him out. We got him on the right track, got him talking to some JPs over certain issues, and we're hoping we can work with it.

Former minister John Baird mentioned, a few minutes ago, some of the very desperate cases. Some people would give up their jobs so they wouldn't have to pay their family responsibility. However, I hope that's not the norm. I hope that most people, in the end, feel somewhat responsible and would like to see their children raised with respect and dignity and with the proper financial assistance they need. But that isn't always the case, and as a result, of course, the government has to make moves in this manner.

I think we've made it fairly clear that our caucus will support this legislation. We know it's probably not perfect. I'm not 100% sure that we'll see the results pay off in a couple of years' time. It would be nice if that would happen and we would see people pay their bills and be responsible to their loved ones, but that's not always the case.

It's my understanding that there are three main purposes for the legislation. First of all, it's to strengthen the enforcement tools available to the director of the Family Responsibility Office. It's also to improve the methods used for locating defaulting payers—in this case, most of the time it's the male spouse—and to streamline enforcement procedures.

The background on this is that the Family Responsibility Office has long been the subject of criticism from opposition members. I don't think it matters what government is in power; you will find that the opposition members come forward with these kinds of concerns. It has also been under criticism from the Provincial Auditor and, of course, from the clients. I think the biggest problem we hear from the clients is the phone system. What I hear more than anything from my constituency staff is that the clients come in and claim they get put on hold or they don't get the proper response.

The Provincial Auditor has completed three audits of the program in recent years. It's my understanding that it happened in 1999, 2001 and 2003. Of course, our party was in power in those times, and naturally we'll take the responsibility if there's a problem. That's our job, the same as, if there's an auditor's report in 2004, the new government, the Liberals, will take the criticism for that.

Many of the criticisms revolve around the rate of success in collection proceedings, faulty computer systems—we've heard over and over about that today—and customer service in general. That's the issue I'm hearing, the fact that people get put on hold or they don't get on the telephone lines. That has been the number one criticism I've heard from both male and female spouses who phone that office, requiring assistance.

The FRO was also the subject of over 1,400 complaints to the Ontario Ombudsman during the 2003-04 year. Of course, our Conservative government was in power for half of the 2003-04 year.

The government promised during the election campaign, "We will crack down on deadbeat parents and make them pay up." That's one statement.

"Withholding family support payments is a serious crime. It makes the lives of single parents even tougher and it hurts our kids. We will not watch children suffer while deadbeat parents shirk their responsibilities.

"We will use innovative new techniques such as Internet tracking to find deadbeats and recover the money that they owe." That will be an interesting area to see explained, the Internet tracking of deadbeats. It will be interesting if some of the members would bring that forward in their comments.

"We will pursue aggressive enforcement measures such as suspending drivers' licences for anyone missing two or more support payments." That comes under the Liberal platform document, *Growing Strong Communities*, page 28.

1650

This suspension of licences can be a real problem too. For someone to miss two or three payments—if you had a very difficult time, you could miss a year's payments or seven months'. A person could be in a difficult period of their life, and two or three payments could lose them their driver's licence so they couldn't even get to work; now, that would be a problem. I'd be really concerned about that statement in the Liberal platform document, and I think that's an area where I would hope that the people making the final decisions would take some flexibility or leniency, because we'd want to make sure that we weren't putting a person on to the unemployment lines because they didn't have a driver's license to get to work. For example, say it was a truck driver who had a serious problem with a breakdown in his equipment and he needed to pay for a new engine in his truck, and he somehow missed a couple of payments to pay for the truck engine so he could work with the trucking industry. To not have a driver's licence, to lose that completely, you could be out of work, and if it was seasonal work, you could have no income for months ahead. These kinds of things can have a dramatic effect on the payor as well.

In this bill, "The substantive changes chiefly fall into three categories: strengthening the enforcement tools available to the director of the Family Responsibility Office, improving the methods used for locating defaulting payors, and streamlining enforcement procedures.

"Some examples of the changes that are intended to strengthen enforcement tools"—and I've got a few of them here that I'd like to read into the record:

"A power to obtain the suspension of defaulting payors' hunting and fishing licences under the Fish and Wildlife Conservation Act, 1997, similar to the existing power to obtain the suspension of defaulting payors' driver's licences, is added to the act. (Section 22 of bill, part V.1 of act)." Now, that's an interesting part of the

legislation. It's certainly not going to gain a lot of friends in the Ontario Federation of Anglers and Hunters, although I would hope that those particular groups—hunting and fishing organizations or hunting and angling organizations—would encourage anybody in their membership to try to be responsible members of the organization and keep up with their FRO payments. But that's not always the case, so there will be quite a few comments on that one, although I guess a person could do without their fishing licence as opposed to their driver's licence.

The second example would be: "Maximum periods of imprisonment are increased from 90 to 180 days. (Section 24 of Bill, section 41 of Act)." This is an area where I think we should be somewhat careful as well. When you talk to the folks in Monte Kwinter's ministry, the Ministry of Community Safety and Correctional Services, and they can tell you about the issues facing the correctional system. You would hope that the whole intent of the correctional system would be to rehabilitate and educate, as opposed to being a facility to warehouse someone for 90 days or 120 days. So if in fact someone was being sent to jail for not paying, whether it be a 90-day or a 120-day time frame, I would hope that person would come out of jail somewhat rehabilitated and educated on this problem. That may or may not be the case.

But I did notice that Minister Chambers is in the House today, and she made a nice announcement last week on some of the apprenticeship funding. I want to thank her for that because some of the money in the apprenticeship funding—and I'm not sure if you're 100% aware of this—went to some of the correctional facilities. The facility I have in my riding, which I've taken a lot of heat on since it was introduced in 2001, is the Central North Correctional Centre, and it's a privately run organization. But they've been doing some really good work in the community and in the rehabilitation area. They got some money toward the apprenticeship work, and I'm ecstatic over that because they've been doing a great job with Georgian College and with Simcoe County District School Board in working with inmates and trying to rehabilitate and educate. There's nothing better than that. If persons are in a facility, instead of their running around in an orange suit all day, you'd rather have them learning something. If there's a possibility of their getting some pre-apprenticeship work, I am positive that that is the way we've got to do it. They have been trying to work with Habitat for Humanity.

It was interesting: The other night I was at the Penetanguishene Rotary gala ball that was based on an African safari theme. Folks at the Central North Correctional Centre, the inmates, had built the props and built a lot of the scenery. It was at the Brooklea Golf and Country Club. The walls were decorated with the works from the folks at the Central North Correctional Centre. I was really pleased to see that because it went a long way and made the community fairly happy with that.

That would be an area where, if someone is paying the debt to society and going to jail, I hope that there would

be a priority put on those folks to be educated as to why they should work with their loved ones and make sure they're properly paid.

I don't have a lot more time, and I wanted to close by making a couple of other points here. There is a lot to this bill, but in the end the intent of the bill is to strengthen the government's ability to collect the money so that people can pay what they owe to society. That's what this is all about. As someone who has raised children, I can't imagine someone not wanting to pay their responsibility to society. But that's not always the case, as we said, and a number of members have brought out some of the statistics on how many folks across our province don't take a responsible role.

Hopefully, in the future we can work on building a strong economy, putting people to work, making sure they have better and better lifestyles—as the government would say, building stronger communities. If they can grow those strong communities and make sure we don't have the kinds of issues that we're faced with in Canada today, I hope that would be the route we would go in improving the quality of life for all Ontario citizens so that we would have fewer and fewer cases and less need for the Family Responsibility Office.

I don't know how long this debate is going on today. I understand that the government is probably not putting up any more speakers, so this may come to an end fairly quickly here. That's my understanding. I was talking and I got a wave from the chief government whip, and it looked like he wasn't putting any more speakers up. This may be one of the last comments today on this particular piece of legislation. I thought there would be more people wanting to speak to it. I understand that Cam Jackson had wanted to do his leadoff, but he was tied up in committee, so I'm not sure if he'll still be able to do that if this legislation comes to an end today. Is that your understanding, Mr. Speaker? Can I get a ruling on that?

The Acting Speaker: If the member for Burlington were in the House and wanted to speak and there was an opportunity for him to speak in rotation, I would certainly wish to recognize him. But if he is not here—

Ms. Churley: You can't say that somebody is not here, Speaker.

The Acting Speaker: I didn't say he was or was not here; I said if, he was not here.

Mr. Dunlop: My understanding was that he was in committee and that he would be given the opportunity—he had his leadoff speech deferred and he's been in committee each day the bill has come up. That's been the problem, and I'm trying to get a clarification on that. I know I'm not supposed to ask for clarification while I'm delivering my speech, but that's possibly the case now.

I thank you for this opportunity and look forward to whatever further debate takes place on the bill. As I said, our party will be supporting this legislation.

The Acting Speaker: Questions and comments?

Ms. Churley: I can assure you that the New Democrats are putting up more speakers. I believe that my

leader, Howard Hampton, is on his way back from a meeting to speak here.

I don't know if you're in trouble or not, but you're not allowed to get up and mention that certain members aren't in the House, are you? Is he? He will be in to speak to this bill in a few minutes, I understand.

1700

I thought the speech given by the member for Simcoe North was very thoughtful. It was a good analysis of what's in and what isn't in the bill and reiterated some of the things that have already been said and that I'm sure the minister has heard before.

I believe this is my last kick at the can on this particular bill—not overall, I can assure you; there will be many more kicks at the can in many other areas. What the government is going to find out very quickly is that telling people this bill is going to fix the problem and is going to mean that the money is going to be in their pockets or in their hands as a result of this bill is not going to work. It's only fair to be realistic with people because the reality, as some of my colleagues have mentioned before, is that without the computer system now—we need that computer system to be able to do the things this bill purports to do. If you don't have a proper computer system, if you want to take away that fishing licence, that driver's licence, garnish wages, the federal government, all of the enforcement mechanisms that are being put into this bill—we've seen this movie before. That's what we're trying to say here: We've seen it before. Let's learn from the mistakes of the past and put the right resources into the office to make sure that indeed these enforcement tools can actually work.

Thank you for this opportunity.

Ms. Deborah Matthews (London North Centre): It's good to be hearing the supportive comments coming from all sides of the House.

Mr. Baird: It's because you're so great.

Ms. Matthews: Thank you.

This is a place where sometimes emotions run high and conflicts are the order of the day, but with this piece of legislation, we all know that we need to make meaningful changes to the way the Family Responsibility Office is run. We know that kids across the province are counting on us to do a better job to make sure that they get what they need from their parents. All of us, in our constituency offices, are more familiar with this issue than we perhaps are with other issues, because the people in our offices spend a lot of time working out problems associated with the Family Responsibility Office. So it's just wonderful to be here and to hear the constructive criticism and the supportive remarks.

I want to take this opportunity to say how proud I am of the Minister of Community and Social Services, Sandra Pupatello. She inherited such a mess on this file. It was an issue that was raised by the Ombudsman, the Provincial Auditor and the privacy commissioner. It was a real problem and, frankly, a shameful state of affairs. She has tackled this issue with the tenacity and determination she is famous for. I think it's important we recog-

nize that the minister has taken on this project. This is part of the solution, it is not the whole solution, but we are making real progress in making sure kids get the money they need.

Mr. Ouellette: I very much appreciate the opportunity to speak again. The PA is here. I know we've had some dialogue during this debate on certain issues, and I hope that when she gets an opportunity to speak again, she can continue. The member from Simcoe North spoke very eloquently on this very issue.

The voluntary arrears payment schedules: How is that going to play in? Are the arrears going to be noted? Those court order agreements: How are they going to be notified? During the arrears process, how is that going to fall in place? Particularly coming from Oshawa, we have a number of concerns related to, for example, short-notice layoffs. What happens in a particular case where, for example, General Motors has recently announced a two-week layoff? How is that going to impact, or how are they going to be able to accommodate, with potential changes in this legislation, to take that into consideration? We have a changing society and things are happening. We've had a number of weeks, and all of a sudden 50% of your pay during that month has been reduced. How can you make your contribution? Your contribution is based on the amount of pay you make. What happens in cases like that as it relates to overtime for extended periods? Quite frankly, there are a number of weeks that General Motors, in this particular case, are going to have laid off, which will change the bottom line or income that those individuals have. Those individuals then have to go back to court to change their amounts that come in.

Those are some of the key points that I was hoping to bring up.

The other one is the noncompliance orders. What is the legislation, or are we going to be able to find a method to assist those individuals who want to see their kids, who are in compliance with the payments, but when they go to pick up their kids, there's no compliance there? Those individuals are left out in the cold. Whether there's posturing between the spouses in what takes place there, we need to make sure that the kids aren't the ones being punished in this particular case.

The Acting Speaker: We have time for one last question or comment.

Mr. Baird: I want to congratulate the member on his excellent remarks. As the member for Toronto—Danforth said, the member for Simcoe North was well prepared for his speech. He talked about the folks who work in his constituency office, and I'd have to say the same about mine. Cara Salci, my constituency assistant who deals with these files, works very hard. It can be a challenge, because there are some very difficult social issues affecting families that make this issue a tremendously emotional one.

I share the member's view. I am more hopeful than confident about the success of this legislation or the government's belief that it can achieve success. I hope it

does. I would prefer, though, that the government be a tad more realistic in terms of the expectations of this bill. It's not just waving a magic wand and all the problems will disappear.

We in the official opposition will be here to be accountable, to ensure that this bill does everything the minister and the parliamentary assistant say it will accomplish: that we can and we should and we must do more to ensure that single parents and their children get the support they deserve. They should be getting it from the person who can pay. Far too often, it falls to the state or it falls to a level of poverty that's unacceptable in the province of Ontario.

I want to commend the member for Simcoe North on his speech. I look forward to additional debate on what is a very important issue.

The Acting Speaker: The member for Simcoe North has two minutes to respond.

Mr. Dunlop: I'd like to thank the members from Toronto—Danforth, London North Centre, Oshawa and Nepean—Carleton for their comments on Bill 155 and on my comments.

I think we've made it fairly clear in this House this afternoon, and it has been brought up by a number of the speakers both in the Qs and As and in the speeches, that our constituency staff are people who have to deal with the Family Responsibility Office as much as anybody would. A number of us here have mentioned our staff in our constituency offices and the valuable work they do. As I said earlier in my comments, it's all about just listening, in a lot of cases, and then finding the appropriate channels to take to try to resolve the problem that the person calling would have.

As I said earlier, since 1999, when I was elected here, the FRO has probably been the top issue we face on a month-to-month basis. There's always the story of the day or certain issues over a short period of time, but certainly the FRO remains a high priority.

Anything we can do, whether it's doubling the fines or taking away licences—I think in a lot of cases we have to try those. But as I said, in some of the cases, let's have some flexibility in how the driver's licence is removed, or the hunting or fishing licence or whatever it may be. The jail time, of course, is a huge issue. Boy, you'd hate to put somebody in jail and have them lose a job forever and be unable to pay and so put their family in an even more difficult position down the road, particularly if they've missed just two or three payments.

With that, Mr. Speaker, I appreciate this opportunity and I thank you once again.

1710

The Acting Speaker: Further debate? The member for Kenora—Rainy River.

Applause.

Mr. Hampton: I'm pleased to participate in this debate. I'm especially thankful for the reception on the part of my soon-to-depart colleague Mr. Baird, who I understand wants to be the federal candidate in Ottawa West—Nepean. I wish him well in his endeavours.

I'm pleased to participate in this debate, although, to borrow a phrase from Yogi Berra, this feels like *déjà vu* all over again. The *déjà vu* all over again that I'm speaking about is the amendments that were introduced by the first Attorney General for the Harris Conservative government, Charles Harnick. I actually remember the speech he gave. The speech he gave is very similar to the speech given by the current Minister of Community and Social Services, so I want to deal with that aspect of this.

I want to say at the outset, though, that New Democrats intend to support this bill. It's not that we think this bill is going to be the magic wand, that it's going to remake the universe in terms of the operation of the Family Responsibility Office, but we recognize there's a serious problem and we are prepared to support some amendments. I want to talk about some of these amendments that are being promoted here. I also want to talk about what is not being done or what doesn't appear to be happening.

I think I can quote the Minister of Community and Social Services. The McGuinty government would have you believe that the amendments presented here are the be-all and end-all, that they are really going to make a difference at the Family Responsibility Office, that all of those children who are currently not receiving support payments are somehow now going to receive support payments as a result of the amendments that are being proposed here, that this is going to radically change the landscape, that this is going to be the next thing to a magic wand when it comes to improving the operations of the Family Responsibility Office.

I just want to say to people at home who may be watching this debate, those who may have a particular interest in this legislation, that I've heard this before. I heard this from the former Attorney General, the first Attorney General of the Harris Conservative government, Charles Harnick. I remember when he came into this Legislature—his bill was Bill 82—and said things like, “The new enforcement measures in Bill 82 are among the toughest and most stringent of any jurisdiction in North America.” That's a quote. “They close the loopholes that in the past have let defaulting parents avoid meeting their support obligations. These new measures make it clear that defaulting on support payments is no longer acceptable in Ontario and that it will not be tolerated. We are introducing 10 tough tools.”

Well, I reviewed Hansard and some of the comments of the MPPs of the McGuinty government, and they're talking about the same tough new tools.

Mr. Baird: I think they stole Charles Harnick's speech.

Mr. Hampton: Well, I wonder if the same bureaucrat wrote the speech for the current Minister of Community and Social Services and the McGuinty government MPPs, because the resemblance between the speeches by McGuinty government MPPs now and the speech given by Charles Harnick when he was Attorney General is remarkable. Then you actually look at the proposals, and there's an even more remarkable resemblance. In fact, I

would say, looking at what Mr. Harnick proposed and what the McGuinty government now proposes, they differ only in hyperbole. In terms of the character, the general direction of the reforms, they're the same. It's just that the McGuinty government has managed to get more hyperbole into their reforms.

I want people to have some examples. When Mr. Harnick introduced his amendments, one of them was drivers' licence suspension; one of them was reporting of defaulting parents to the credit bureau; one of them was third-party enforcement, which meant where you have shared bank accounts, for example, where the support payer now has a shared bank account with perhaps a new partner, how you get at some of that money; obtaining financial statements and making orders against persons who help support payers avoid enforcement by sheltering their assets. All those things appeared in Bill 82.

Then, if we look at what is being proposed here in the McGuinty government bill, it's very similar, if not identical. It says, to make it easier for the Family Responsibility Office to obtain a financial statement from a third party that is financially linked to a default payer; increase the FRO's powers to demand personal information about payers in order to locate them; report defaulting payers to professional licensing bodies. These are virtually the same kinds of amendments introduced by Mr. Harnick when he was Attorney General and when he was responsible for the Family Responsibility Office.

Mr. Harnick at the time wanted people to believe that his amendments were going to be the magic wand, that they were going to do the trick, that they were really going to make the Family Responsibility Office function better on behalf of child support recipients, spousal support recipients etc. Now we have the McGuinty government saying the same thing.

Since 1996, and now, fortunately we've had the opportunity to hear from some third-party critics about what actually is happening at the Family Responsibility Office. I would not claim credit for all of these comments. In fact, one of the third-party critics was the auditor in the public accounts committee. Another was the Ombudsman. I want to refer to what some of these third parties have said.

Let me just refer to the auditor's report from 2003. Here's what the Provincial Auditor says:

“As was the case at the time of our last audit, in 1999, we concluded that the Family Responsibility Office did not have satisfactory systems and procedures in place for initiating contact and taking appropriate and timely enforcement action where payers were in arrears on their family support obligations. In fact, it is our view that, unless the office takes aggressive enforcement action, supported by effective case management and significantly improved information technology and communications systems, it is in grave danger of failing to meet its mandated responsibilities. We found that the office's services were impaired, and we had the following concerns:

“Unlike most other provinces, which use a process of individual case management, Ontario does not assign

each case to an individual caseworker. Therefore, no one individual has responsibility for or is held accountable for the administration of most cases. In addition, although we were advised that in practice the office has assigned cases with outstanding arrears greater than \$50,000 to caseworkers since 2001, approximately 1,500 such cases, with arrears totalling \$126.7 million, were not assigned at the time of our audit in November 2002 and were therefore not actively monitored or enforced.

"Since 1994, the number of caseworkers has declined"—I think the auditor was being polite here; he could have said, "has been cut"—"by 20%, whereas the number of cases has increased from 126,000 to 180,600." That's a 43% increase in cases and a 20% cut in caseworkers. It goes on: "As a result, the average number of cases per caseworker has steadily increased. For example, the number of cases with outstanding work items assigned to senior caseworkers now ranges from 600 to more than 1,300, averaging 890 per caseworker." No wonder it's falling apart. Then there is some comparison to other jurisdictions where the cases assigned per caseworker are much lower.

1720

I just want to take what the auditor said here. What the auditor is essentially saying is that you can pass legislation that sounds tough—and the McGuinty government can go out and spin it as being very tough; we know you're very good at spin—but unless you get a new computer system that works, and unless you have adequate staffing, your result is going to be the same as the result under Charles Harnick: You're going to have more cases and not enough caseworkers, and you're not going to have a system that is capable of handling the problem.

I just want to say to people who may be watching out there or people who have a particular interest in this that my fear, as I said, is that this is déjà vu all over again. There's lots of spin, but the real ingredients—a computer and information technology system and a communications system that really work—have to be put in place. I don't see that yet. And more staffing has to be put in place. I don't see it yet.

I just want to say a few words about staffing. My fear is that what we're going to see under the McGuinty government—and we might see this announcement come fairly soon—is less staffing; we're going to see not more staff out there doing this vital job but, potentially, fewer staff. I'll just say to folks that the system won't work if that's the case.

I'm reminded of what happened under Ronald Reagan, because it was such a classic example. Ronald Reagan passed some very tough-sounding environmental legislation in the United States during his presidency. But then he proceeded to lay off most of the people who were doing the casework and the enforcement of that environmental legislation. As a result, the moral overtones were all very high-sounding but no enforcement was happening. As a result, environmental performance in that country fell off disturbingly. I just say that here you can have all the high-sounding legislation you want, but

if the staffing isn't increased and given the systems and the training to do the job properly, then I don't think the public is going to see anything that is very effective.

The next point I want to make is that an information system, a computer system, is needed. One of the issues is that we've asked the government to rule out Andersen Consulting, otherwise known as Accenture, from being permitted to bid on this contract. Let me tell you why. Again, the Provincial Auditor has referred to what happens when you allow Andersen Consulting or Accenture to put in place a computer system for you. In fact, the Provincial Auditor has referred to this in four separate reports, where he details the degree to which the system put in place by Andersen Consulting/Accenture doesn't work, costs far more money than it was advertised as costing and results in the folks who work for Andersen Consulting/Accenture being paid far, far more money than civil servants would have been paid if they had been in charge of the system.

The conclusion of the Provincial Auditor is that the Ministry of Community and Social Services was taken advantage of—indeed, the taxpayers of Ontario were taken advantage of—by Andersen Consulting, otherwise known as Accenture. You see, what happened is, after Andersen Consulting got caught shortchanging the taxpayers in a number of jurisdictions, after it got caught charging more and delivering less time and time again, they changed their name to Accenture. They developed a bad odour as Andersen Consulting, so they changed their name to Accenture hoping no one would recognize them.

Andersen Consulting has left behind a remarkable record, and I just want to refer to that record. Andersen Consulting has been the subject of investigations or commentary by public sector auditors in Florida for a bad deal, in Ohio for a bad deal, in New York for a bad deal, in New Brunswick for a bad deal, in Texas, Nebraska and Virginia for bad deals, and in Ontario.

You would think the McGuinty government would look at that and say, "We don't want a repetition of this. We don't want to see the same bad reputation, bad results, high cost in this situation again. We cannot risk a computer information technology system in the Family Responsibility Office that doesn't deliver for those people who deserve to receive their support payments. Children and families who are living in poverty deserve a computer information technology system that works. Therefore, we're going to rule out Accenture, because they have failed to deliver in so many other jurisdictions." But is the McGuinty government going to do that? No, they're not. In fact, Andersen Consulting, otherwise now known as Accenture, is being welcomed to participate.

I wonder why that could be. Well, what we've learned is this: Dalton McGuinty's former political chief of staff, one Phil Dewan, is acting as the paid lobbyist for Accenture, formerly known as Andersen Consulting. So our fear is that the financial interests of Andersen Consulting—Accenture—their ability to find high-priced insider lobbyists closely connected to the McGuinty

government, will win out over the interests of people who need to receive their child and spousal support payments. That's our fear.

I just want to reiterate that, at the end of the day, I don't think the amendments that have been promoted by the McGuinty government are going to be the magic that the McGuinty government wants to pretend they are. These amendments are very similar—almost identical—to the amendments that were introduced nine years ago by Charles Harnick, who was then responsible, as a Conservative cabinet minister, for the Family Responsibility Office. They were not very effective in producing the magic wand effect then, and I don't think they're going to produce the magic wand effect now.

The real issues at the Family Responsibility Office, issues which are not addressed by this bill and which we don't think are going to be addressed anywhere else by this government, are that you need a good computer system, you need a good information technology system, you need a good communication system, so that files can be traced, so that you can have a very active, quick response in these files, so you can keep track of all the information and you can be up to date on the information. The second thing that is needed is that you need more staff, better trained staff, more experienced staff and staff with the appropriate systems so they can do the work. So far, we don't see any evidence that those two things are really going to happen. Our fear is that we're going to see another repeat, another fiasco, of Andersen Consulting/Accenture, with a computer system that will cost a lot of money and deliver not very much, and we're not going to see the staffing improvements. We'd urge the government to act on those two issues. They are the really important—

The Acting Speaker: Thank you very much. Questions and comments?

1730

Mr. McNeely: My first experience with public accounts in the Legislature was when this particular report came back from the auditor. The 1,300 cases per case manager is certainly a load in itself. Of course, the computer programming was done in the early 1980s, and I believe 1994, when the third party was in place, was the first time they said, "You have to get a better case management system, a better computer system." Of course, it wasn't done. I believe the member for Nepean—Carleton was there for a year and a half or so as the minister, and again the auditor said, "You have to get a better case management system; you have to get a better computer system."

We're arguing about computer systems, but you can put them in place very quickly, and there's no point going back on bad deals that we got from IT people. The solutions are there; it's just a matter of getting them done. But I don't think there was any real desire on the part of the governments in those years to catch the deadbeat parents. It was better to trace them after the seven or eight months they hadn't been paying and it was too late; they'd changed jobs and often they'd gone to another province or to the States.

I think this minister is on the right track. I haven't heard those complaints about the FRO office since this government took over. The first three or four months were difficult, but people have been getting through on the phones. Mothers were taking off a whole day in Orléans to try to get through on the phone during the months preceding the last election. So it's good to see this minister is taking the right steps and is getting the process in place. We'll have a new case management system and new computers, and that is going to make a lot of difference to the mothers and children who depend on these payments.

Mr. Tascona: I'm certainly pleased to join in the debate. I listened to the member just now from Ottawa Centre saying that the previous government had little desire to deal with the issue. What nonsense. Quite frankly, this has been a difficult issue that, in my view, was caused initially by the failed model put in place by Ian Scott, who was the Liberal government Attorney General back in 1988. He put up a model that basically went after people who were employed and he went after their income, which is a very simple model. The problem is that you have to go after the source of the income.

The problem we've got here, which has not been addressed by the Liberal government currently, is that when you get a court order, the implementation of that court order is the key issue in terms of making sure you get those funds. That's something they're not looking at in terms of speeding up the implementation of the court order. When Charles Harnick was the Attorney General, we put in place a number of measures to get increased enforcement, and those measures are intact. There's nothing new that's being added with respect to this bill in terms of further methods of enforcement.

Everybody out there knows that the issue for a self-employed person is where that money is being earned and being able to get at it, because the money may be in the hands of another party and may not be directly paid from the contractor; that contractor may be paying another person, as opposed to the individual who does the work, the individual who owes the money. This bill doesn't deal with that.

The simplistic model that was put in place by the Liberals has been improved on by the provincial government—we dealt with the enforcement orders. That's the issue: the implementation of the court order. The implementation is something that's not being addressed by this bill, and I guess that's the Leader of the Opposition's problem.

Ms. Churley: I guess that wasn't quite my last kick at the can when I spoke before. I'm happy to respond to my leader Howard Hampton's comments. I was listening to him talk about the fact that he fears there may be fewer staff at the FRO. It occurred to me then that we haven't mentioned recently anything about the "mod squad." Remember? There was a story by Ian Urquhart in the Toronto Star a while ago featuring the minister, in this case, along with a few other prominent Liberal cabinet ministers: the "mod squad," a powerful little committee

put together to find ways to cut government spending. It reminded me, when Mr. Hampton mentioned that the concern is that there might be fewer staff, that indeed that is one of the jobs the minister has, and we should bear that in mind.

If I were a mother out there who was dependent on income from a former spouse who was not paying what he owed and was in arrears, and I were listening to this debate today, I would be really concerned. You have a Conservative stand up and say, "Well, the problem is that Ian Scott did it all wrong," and then somebody else did it all wrong and somebody else did it all wrong. We're saying here today that you still don't have it right. You're still not doing what needs to be done. That's what the leader of the New Democratic Party was trying to point out.

We know what needs to be done. There's a formula for what needs to be done after what happened in the previous government and what's happening now, and that is bringing in more enforcement tools without the resources to enforce the enforcement tools. What's wrong with this picture? We know what we have to do, and it's not getting done. For the person out there who's relying on this legislation to solve the problem, it just ain't going to happen.

The Acting Speaker: We have time for one last question or comment.

Mr. Pat Hoy (Chatham-Kent Essex): I'm pleased to rise and make a few brief comments about the subject at hand today. I do recall that when the previous government centralized the Family Responsibility Office, we had immediate chaos. The chaos was immediate. Staff in my offices, both here in Toronto and in the riding, were on the phone for an hour at a time waiting for assistance. So our minister, Minister Papatello, has taken chaos and tried to correct the wrongs that occurred in the Family Responsibility Office. To date she has done a marvellous job, and I commend her for that.

After the centralization of this office, neither the recipients, the payers or the employees were happy with what was happening. No one was satisfied with the delivery of service. Employers were frustrated, payers were frustrated and recipients, many of whom were children, were waiting for those valued dollars. From the previous government, we have a computer system that can't adapt. It's pitiful, in actual fact.

In this bill, it's regrettable, we need to have enforcement opportunities. We need enforcement on our highways. Most people drive and obey the laws, but there are those who will break laws, so we need enforcement. Many of the persons who owe spousal payments make them, but others defy the rules and regulations. So we're increasing the maximum jail term for failure to comply. We will ensure early release provisions under certain sections of the act. We're going to make it easier for the FRO to obtain a financial statement from a third party that is financially linked to the default payer.

There are many more points under this bill that will make a better system for those who need the dollars the most.

The Acting Speaker: Member for Kenora-Rainy River, you have two minutes to reply.

Mr. Hampton: I want to thank those members who have offered their views and opinions in response to my comments. But let me tell you, I was disappointed that I didn't hear from the Minister of Community and Social Services, who was here, because it would have been an excellent opportunity for the Minister of Community and Social Services to stand in her place and say without any hesitation that the fiasco known as Andersen Consulting, who installed an information technology/computer system at the Ministry of Community and Social Services, one that doesn't work and that cost the taxpayers of Ontario far more money than they should have paid for it—I wanted to hear her say that they will not be invited to do the same thing now with the Family Responsibility Office. But alas, the Minister of Community and Social Services, while she had lots to say while I was speaking, didn't take advantage of the two minutes to say to the people of Ontario, and to all those people who are not receiving their support payments now, that, burned once, the government of Ontario will not invite Andersen Consulting/Accenture to do a repetition of their dismal effort. She wouldn't say that.

1740

I also thought, since she had so much to say while I was speaking, that she would have stood and said to the people of Ontario, and to all those spousal support recipients and child support recipients who aren't receiving their support, that she was prepared to guarantee that there will be more staff at the Family Responsibility Office, that they will have the technology, the training and the systems they need to do the job. Alas, she didn't do that either.

So I just repeat my fears: I think this is wonderful legislation, but I don't think it's going to solve the problems at the Family Responsibility Office.

The Acting Speaker: Thank you very much for your contribution.

Further debate? The member for Nepean-Carleton.

Applause.

Mr. Baird: Thank you to my good friend the chief government whip.

I'm pleased to see the Leader of the Opposition here today. The Leader of the Opposition regularly attends the debates in this place and actively participates. I don't remember ever seeing—other than his immediate predecessor, who is of course also here—other Leaders of the Opposition come and listen to the debate and hear the concerns of working families.

I want to say at the outset about this bill that on election night those many years ago, that long time ago since we went to the polls here provincially—how long ago was it? Many years ago. I said, on becoming an opposition member, that I hoped I would not oppose the government for the sake of opposing them; that if they did something I agreed with or could support, I would support them. I would like to support much of what is in this bill. I don't think it is the be-all and end-all, as the

government has suggested, but I think some measures go in the right direction.

I would like to indicate that I would be supporting the bill. I have done that on a number of issues. The Minister of Natural Resources is nodding. I'm not one of the more partisan members of this place. I supported the government's culture heritage bill. The Attorney General brought a bill forward that I supported. I supported a bill that Minister Watson, the member for Ottawa West-Nepean, brought forward last week.

Hon. David Ramsay (Minister of Natural Resources): Is this your departure speech?

Mr. Baird: I say to the Minister of Natural Resources, I'm not going anywhere.

The Minister of Natural Resources is here. I wonder why we're not debating wildlife rehabilitation in Ontario, and the efforts to stifle the volunteers who want to bring in wildlife rehabilitation in the province. A lot of constituents of mine are very concerned about wildlife rehabilitation, and I should put that on the record with the minister. I did an interview with CBC in Thunder Bay about that, and about their rabies program, where the cost-benefit analysis is absolutely extraordinary. It's like using a nuclear bomb to kill an ant, I say to the Minister of Natural Resources.

Anyway, I'm going to get back to this bill. The leader of the third party was talking about Accenture consulting. I like the leader of the third party and generally respect him. I don't know why the leader of the third party doesn't go outside and say those things. If he is so confident they are all true—what is that?

Interjection.

Mr. Baird: One of the members opposite is saying that the leader of the third party would be chicken to go out and say that outside. If he is so confident that the evidence is so overwhelming, I'd like him to get a copy of Hansard and read his speech today outside. There he is. There is my friend the leader of the third party. I'd like him to read that outside. I don't suspect he will. But I want to put on the record that the information technology and the processes that were part of Andersen Consulting/Accenture are in place. Every day in the province of Ontario, the system works. People get their welfare cheques every month in this province. The system, the processes, the design, have saved taxpayers literally hundreds of millions of dollars in Ontario. Accenture brought some expertise that simply was not present. Yes, more money was spent than anticipated, but not on the initial contract. Andersen/Accenture did exactly what they said they would do for the dollar amounts. We made a number of changes as legislation changed—a new Ontario Works act and a new ODSP act—which required things above and beyond the call within that initiative. So I think the leader of the third party besmirches the good name of a lot of hard-working Ontario taxpayers who did some good work with respect to that system.

This bill is obviously designed to help improve the lives of single parents and their children, and that's a

noble goal. I want to put on the record that the FRO staff do a phenomenal job. These public servants work awfully hard and do a difficult task.

We have two or three significant challenges. The enforceability, or unenforceability, of a court order in the province of Ontario should cause us all great concern. We also need to streamline the clarity of these judicial orders. I've had one-on-one conversations on this issue with the parliamentary assistant, the member for London North Centre. We've got to be able to have clear court orders, and the baloney that is said that you can't work with the judiciary on that, or pass legislation detailing with and dictating how these orders should be done—there should be clarity; there should be form. It should be done—

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Criminal Code stuff.

Mr. Baird: The member opposite is right: Criminal Code things are very important. And the government we have in Ottawa isn't addressing issues with respect to the Criminal Code. They're too busy doling out money to their advertising friends in Quebec, to Groupaction, Jean Brault and all their little friends—Jean Chrétien's brother getting \$4,000.

Anyway, I want to get back to this speech. Yes, you bet your boots they need a new computer system. If there are any folks from the FRO watching, let me tell you, I would certainly concur. I have visited the Family Responsibility Office, as I hope some other members have. I have taken the opportunity to talk to the staff there, and you bet your boots they need a new computer system. I look forward to this minister's solving all the problems, because I know my friend Sandra Pupatello will solve all these problems by the time the Ontario voters go to the polls. There won't be any arrears, and she'll have cleaned up the whole mess of this file. I hope she does.

Improving the lives of single parents and their children is important. Most of these single parents—not all, but most—are women who are disproportionately low-income and need this support. Many of them are on social assistance, and that support is assigned to the government, which could go to other needed programs or tax cuts that are in place.

A lot of young families particularly are reeling from this government, because they said they would withdraw the national child benefit supplement clawback. They said they would scrap that and allow parents in Ontario to keep it. They haven't done it. Really, by their actions they're basically applauding the actions of the previous government.

I had some other stuff I wanted to present. Welfare rates in Ontario: The sad reality is that with inflation, people on social assistance got more money from Baird than they get today from Pupatello, even with the minuscule 3% raise. When I was minister back in 1999, people had higher take-home pay if they were on social assistance than they do today under Dalton McGuinty's government. I know that causes a great deal of concern to these members, but it's a fact, not just in 1999, but in

2000 and in 2001. So the measly loonie they allow them to keep from the national child benefit doesn't discount the hundreds of millions of dollars they claw back. The minister and the Premier sat in here the other day talking about what they do with that money. When I gave that answer, he sure as heck didn't like it. I want to put those comments on the table.

This is an important first step. The parliamentary assistant, who I know is ably carrying this bill in this place, nods her head because—she is right—she is ably carrying this bill. I hope the minister will take these issues and run with it. Get a new computer system—which is, I'm the first to concede, long overdue—to help the FRO staff do their job, to support Ontario's public service in doing their job.

1750

I don't like the comments in some parts of this debate where people have besmirched the public service who have been implementing this legislation, because they don't have the tools that they need. They've got some new tools in this legislation. In time, they will get a better process in terms of a computer system.

I think it is important to note that even the former Provincial Auditor, Erik Peters, did note, and certainly the Ombudsman, Clare Lewis, noted as well that the staff there do a very good job under the circumstances. Whether it is in the way our judicial system works and the court orders or whether it's with the computer system or whether it is the legal powers that they have, they do a darned good job. I certainly saw that when I went and met with them. Because I cared so much about this issue, I even went out and met with the front-line workers and listened to their suggestions, advice and counsel, in the usual hallmark of the Harris government's consultation, which I was pleased to participate in.

The Acting Speaker: Questions and comments? The member for Toronto—Danforth.

Ms. Churley: Thank you, Mr. Speaker. I'm having another kick at the can. This really is my last one.

It's my pleasure to respond to the member from Nepean, who I understand will be leaving us at some time in the future.

Mr. Baird: I don't know what you're talking about.

Ms. Churley: He doesn't know what I'm talking about here.

Hon. Mr. Ramsay: He's in denial.

Ms. Churley: He is in denial now that it's out there. But he is one of the people in this place where—

Mr. Baird: Those rumours.

Interjection.

Ms. Churley: You are saying it was in the paper and it's a rumour?

He knows full well the flaws in this bill, because he's been there. He knows better than most of us what needs to be done over in the FRO, and this ain't it. I think it's important and prudent of this government to listen to what the member for Nepean has to say, because certainly when he was in government and his government

brought in some new enforcement measures, things got worse instead of better.

This government is actually doing a very similar thing, bringing in more enforcement without—I just looked down and realized I've got the wrong notes in front of me, Mr. Speaker. I've got the marijuana, the grow-op, notes in front of me, which we're not talking about today. But what he has to say is very important, because they went through an experiment in that government of cutting back, reducing the number of staff, and look what happened. Here we have a situation where there aren't enough staff, there aren't enough resources, and we need a new sophisticated computer system in order to make sure that those who are in arrears pay those arrears. It's abundantly clear from all of the experience we've had now that putting in new and more enforcement without the resources will mean that nothing much will change.

So again I say to the government that it's important to be very straight and very clear with the people of Ontario about what this bill before us today can do and what it will not do.

Mr. Lou Rinaldi (Northumberland): I rise in this House to make some comments from my friend from Nepean about Bill 155.

As you know, Mr. Speaker, this is my first term representing the people of Northumberland, and I can tell you that in the time I spend in my constit. offices—I have two of them—I see the length of time that my staff spends dealing with FRO issues. And the odd time, I must admit, I take an interest in one or two of them, because virtually they are at their wits' end.

I guess we need to appreciate the steps our minister is taking to try to sort through the maze that was created. Will it be perfect? Will it solve all the problems? I think this is a beginning to get there. But we need to recognize that within days of this government being sworn in, and recognizing the difficulties we had with that particular function, the minister took quick action, and I think it's very positive action.

As I mentioned, I do take a personal interest. My staff virtually throw their hands up in the air because of the intricacies and the work to resolve these. And at the end, it's kids that suffer. We try so hard, whether with better education or better health care, yet the simple things where we need those commitments from parents who have left their family—I think this is a super step, and we will get it right.

The Acting Speaker: Questions and comments?

Mr. O'Toole: I'm pleased to respond to the member from Nepean—Carleton, who has always got a view on the issues that affect his riding. I'm sure as we go forward he will have even more views and other articles as well.

The previous speaker, the member from Toronto—Danforth, has a long experience in this file. I was always intrigued to listen to the NDP, because when they were in opposition some time ago and we were government, they had a chance—and I'm going to read this directly. This is Peter Kormos's comments on the introduction of this bill,

quoted from Hansard: "In fact, it has been just about eight years and a month or so plus since my colleague Shelley Martel, the member from Nickel Belt, conducted her early morning raid, her break and enter into the Family Responsibility Office to demonstrate the laxness of security. She came back, after that break and enter, with videotape demonstrating an office that was in complete chaos...." I think it's kind of supercritical, in fact, that this is a member of his own caucus saying that she took the liberty to view for herself and videotape the information and chaos. It would seem, being supportive of OPSEU, etc., that they wouldn't be so critical of the actual micro-level functioning of the office, as they described it in the remarks by Mr. Kormos.

This bill itself, I think, has pretty broad support, although it doesn't move us very much further down the road of ensuring that children, at the end of the day, receive the money they are entitled to as a result of a court order. I know our government was widely criticized for introducing a lot more of the enforcement tools that we see in this bill. In fact, the leader of the NDP said

today that the same bureaucrat wrote the same speech for Ms. Papatello, the current minister, as was written for our minister of the day. So there is a long way to go, but each of us should keep in mind that every inch that we can move forward on this, while protecting the payer, is looking after the welfare of the children in this system.

The Acting Speaker: I want to recognize the presence in the chamber of a former member of this assembly, Mr. Bob Huget, former MPP for Sarnia.

We have time for one last question and comment.

Seeing none, I will turn to the member for Nepean-Carleton. You have two minutes to reply.

Mr. Baird: I want to thank all of the folks for their good comments and wise counsel. I also want to thank the Minister of Natural Resources for paying heed to my comments about the need for more wildlife rehabilitation in the province of Ontario.

The Acting Speaker: It being 6 o'clock, this House stands adjourned until later on this evening at 6:45.

The House adjourned at 1757.

Evening meeting reported in volume B.

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Cameron Jackson
Vice-Chair / Vice-Président: John O'Toole
Wayne Arthurs, Caroline Di Cocco, Andrea Horwath,
Cameron Jackson, Kuldip Kular, Phil McNeely
John Milloy, John O'Toole, Jim Wilson
Clerk / Greffier: Trevor Day

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Pat Hoy
Vice-Chair / Vice-Président: Phil McNeely
Toby Barrett, Mike Colle, Pat Hoy, Judy Marsales,
Phil McNeely, Carol Mitchell, John O'Toole,
Michael Prue, John Wilkinson
Clerk / Greffier: Trevor Day

General government / Affaires gouvernementales

Chair / Présidente: Linda Jeffrey
Vice-Chair / Vice-Président: Vic Dhillon
Marilyn Churley, Vic Dhillon, Brad Duguid,
Linda Jeffrey, Jean-Marc Lalonde,
Deborah Matthews, Jerry J. Ouellette,
Lou Rinaldi, John Yakabuski
Clerk / Greffière: Tonia Grannum

Government agencies / Organismes gouvernementaux

Chair / Président: Tim Hudak
Vice-Chair / Vice-Présidente: Andrea Horwath
Lorenzo Berardinetti, Michael Gravelle,
Andrea Horwath, Tim Hudak,
David Oraziotti, Ernie Parsons,
Laurie Scott, Monique M. Smith,
Joseph N. Tascona
Clerk / Greffière: Susan Sourial

Justice Policy / Justice

Chair / Président: Shafiq Qaadri
Vice-Chair / Vice-Président: Bob Delaney
Michael A. Brown, Jim Brownell, Bob Delaney,
Kevin Daniel Flynn, Frank Klees, Peter Kormos,
Shafiq Qaadri, Mario G. Racco, Elizabeth Witmer
Clerk / Greffier: Katch Koch

Legislative Assembly / Assemblée législative

Chair / Président: Bob Delaney
Vice-Chair / Vice-Président: Mario G. Racco
Donna H. Cansfield, Bob Delaney,
Ernie Hardeman, Rosario Marchese, Ted McMeekin,
Norm Miller, Tim Peterson, Mario G. Racco, Mario Sergio
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-Présidente: Julia Munro
Laurel C. Broten, Jim Flaherty, Shelley Martel,
Bill Mauro, Julia Munro, Richard Patten,
Liz Sandals, Norman W. Sterling, David Zimmer
Clerk / Greffière: Susan Sourial

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Présidente: Marilyn Churley
Vice-Chair / Vice-Président: Tony C. Wong
Gilles Bisson, Marilyn Churley, Kim Craiton,
Kuldip Kular, Gerry Martiniuk, Bill Murdoch,
Khalil Ramal, Maria Van Bommel, Tony C. Wong
Clerk / Greffière: Tonia Grannum

Social Policy / Politique sociale

Chair / Président: Mario G. Racco
Vice-Chair / Vice-Président: Khalil Ramal
Ted Arnott, Ted Chudleigh, Kim Craiton,
Peter Fonseca, Jeff Leal, Rosario Marchese,
Mario G. Racco, Khalil Ramal, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

CONTENTS

Tuesday 12 April 2005

MEMBERS' STATEMENTS

Terry Fox	
Mr. Dunlop	6147
Mr. Kormos	6147
Mr. Mauro	6149
Etobicoke-Lakeshore community council	
Ms. Broten	6147
Liberal campaign promises	
Mr. Klees	6148
Milk vending machines in schools	
Mr. Wilkinson	6148
Health premiums	
Mr. Baird	6148
Alleged sexual abuse of minors	
Mr. Brownell	6149
Safe schools	
Ms. Marsales	6149

ORAL QUESTIONS

Health care	
Mr. Tory	6150
Mr. McGuinty	6150
Mr. Baird	6151
Hydro generation	
Mr. Hampton	6151
Mr. Duncan	6152
Hydro One	
Mr. Hampton	6152
Mr. Duncan	6153
Fiscal and economic policy	
Mr. Flaherty	6153
Mr. Sorbara	6154
Public safety	
Ms. Churley	6154
Mr. Bryant	6154
Renewable fuels	
Mr. Orazietti	6155
Mr. Ramsay	6155
Hospital funding	
Mr. O'Toole	6155
Mr. McGuinty	6156
Autism treatment	
Ms. Martel	6156
Mrs. Bountrogianni	6156
Mr. Kennedy	6157

Food safety	
Mr. Milloy	6157
Mr. Peters	6157
Teacher testing	
Mr. Klees	6157
Mr. McGuinty	6158
School closures	
Mr. Marchese	6158
Mr. McGuinty	6158
Marijuana grow operations	
Ms. Wynne	6159
Mr. Kwinter	6159

PETITIONS

Gasoline prices	
Mr. Ouellette	6159
Regional centres for the developmentally disabled	
Mr. Prue	6159, 6161
Mr. Sterling	6161
Mr. Dunlop	6162
Mr. Runciman	6162
Anti-scalding device	
Mr. Leal	6160
Sport parachuting	
Mr. Tascona	6160
Volunteer firefighters	
Mr. Hudak	6160
Control of smoking	
Mr. Klees	6161
Anaphylactic shock	
Mr. Delaney	6161
Insurance rates	
Ms. Martel	6162
Ontario farmers	
Mr. Barrett	6162

SECOND READINGS

Family Responsibility and Support Arrears Enforcement Amendment Act, 2005, Bill 155, Ms. Papatello	
Mr. Dunlop	6163, 6166, 6175, 6178, 6179
Mr. Levac	6163
Mr. Ouellette	6163
Mr. Kular	6163

Ms. Martel	6164
Mr. Delaney	6164, 6166
Mr. Qaadri	6165
Mr. Tascona	6165, 6170, 6182
Ms. Churley	6166, 6170, 6171, 6175, 6178, 6182, 6183, 6185
Mr. McNeely	6166, 6182
Mr. O'Toole	6167, 6171, 6185
Mr. Hampton	6170, 6179, 6183
Mr. Arthurs	6170
Mrs. Mitchell	6174
Mr. Baird	6174, 6179, 6183, 6186
Mr. Milloy	6174
Ms. Matthews	6178
Mr. Ouellette	6179
Mr. Hoy	6183
Mr. Rinaldi	6185
Debate deemed adjourned	6186

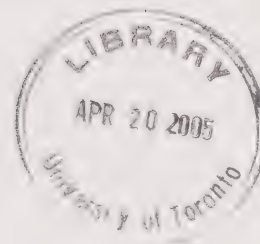
TABLE DES MATIÈRES

Mardi 12 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur les obligations familiales et l'exécution des arriérés d'aliments, projet de loi 155, M^{me} Papatello	
Débat présumé ajourné	6186

1
23



No. 127B

N° 127B

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Tuesday 12 April 2005

Mardi 12 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 12 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 12 avril 2005

The House met at 1845.

ORDERS OF THE DAY

LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS CONCERNANT LES RELATIONS DE TRAVAIL

Resuming the debate adjourned on April 5, 2005, on the motion for second reading of Bill 144, An Act to amend certain statutes relating to labour relations / *Projet de loi 144, Loi modifiant des lois concernant les relations de travail.*

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to comment on Bill 144, which is essentially dealing with the Construction Labour Relations Act, fundamental changes under Bill 144. It also has aspects that deal with the retail sector.

I have received from constituents—the owner of a Tim Hortons in my riding has indicated that they have real concern with the changes with respect to the powers that are being given to the Ontario Labour Relations Board, which will essentially bring us back to the days when the board had the power to bring in remedial changes that effectively made employers subject to the unions' unfair labour practices. So there is concern out there with respect to the powers being given to the board and, in essence, the abuse that can be used in terms of pushing an employer to the point where they accept what the union wants without getting a hearing, because of the costs of the litigation and the fact that you don't get costs as a result of litigation at the labour relations board.

The thing about this bill that I want to talk about a little bit, from the construction labour relations act point of view—there's talk about bringing a balance, to what it was before the Tories came in, in terms of their changes. Essentially, we require a vote, a freely elected secret ballot, where you elect your bargaining agent or decide not to elect a bargaining agent. That's the way you become a union and certified in this province, other than being voluntarily recognized. We have a situation where the Minister of Labour is talking about, "We're bringing it back to bring some fairness."

You've got an international union—most of the construction unions internationally are located out of the United States, in Washington. These are huge unions. You're talking about, we'll say, a contractor or sub-contractor who's maybe got two employees in whatever trade they decide to be in, whether it's plumbing or sheet metal or roofing. You're telling me that the changes to this act are necessary to bring fairness for an international trade union dealing with a two-employee construction company and that they need the powers of card-based certification, they need the powers and unfair labour practice certification, as opposed to voting in a union.

That's one point that has to be looked at. It's just not acceptable in logic, it's not acceptable in reality, and it's not acceptable the terms of good labour relations. What do we want to do? Do we want to get rid of every small company that decides to go into the construction industry, whether they're one-, two- or three-person firms? Do we want to put them up against international trade unions and say, "We're going to level the playing field so we can make sure that when you go down to the labour relations board, the union has every weapon in their arsenal in terms of unfair labour practice certification, card-based certification, so we don't have to go into what a vote is"? Because how can a small contractor go up against a big international union in terms of legal costs? What's going to happen is, that contractor is going to go under. As we know, in this province, if you're certified as a union, the only way you can get out of being certified with the union is if you leave the province, leave this country or you get the union decertified, because that certification will follow you for the rest of your working life. That's the situation we have under section 1(4) of the Labour Relations Act and the successor provisions.

1850

This is very fundamental labour law. It's fundamental from the point of view of, why does the government feel that it's necessary to give construction trade unions the ammunition that they really don't need in terms of dealing with small contractors? What is the driving force behind this, other than the fact that probably the Liberal government gave a promise to the construction trade unions during the election that "If you elect us, we'll give you that legislation so you can make sure you get every small contractor in this province, whether by harassment or by organizing in a manner that will make sure they will give up because they can't afford to fight you."

It's very difficult on this side of the fence to listen to the Minister of Labour talk about a process that will

restore the balance, because if that was the case, certainly we're looking for a balanced labour relations system. The last time the construction industry received a major overhaul—and really a major overhaul in how it was structured—was in 1980. We did make some fundamental changes in the 1990s with respect to a response to the construction strike that was happening in the low-rise residential sector, to make sure that you didn't have one trade going out all through the summers when the next trade reaches a settlement, so you didn't have that revolving door effect. We wanted an end to the ripple effect with respect to trades going out in the low-rise residential sector, so we put in a procedure in terms of time to make sure that everything was resolved at a certain point in time so you didn't have people affected who were trying to get into their home, you didn't have the problems with the police, you didn't have the problems with one trade going up against another trade. That was a major effect, and I think it was to the benefit of the construction labour relations in this province.

But when you come to this situation of Bill 144, which is an overstep, it's an overreaction in terms of pure, base politics. That's all the government is doing here. They're not interested in good labour relations; they're interested in making sure that the construction labour unions, which are based out of Washington, get what they said they would get when the Liberals were running to become the government. There's nothing wrong with construction labour relations as the status quo sits right now—nothing wrong per se. But if you're a two-person operation, your days are numbered in this province. It's going to be over with for the small operator in this province because they're going to be buried by Bill 144—guaranteed. You're going to see a major increase in organizing activity, you're going to see a major increase in unfair Labour Relations Act certification applications and you're going to see a major increase in certifications to the unfair labour practice process. That's something that is not in the best interests of this province, because the fact of the matter is, those things weren't happening before, but because now you can get certified because of alleging unfair labour practices—and let's be true to the facts, allegations of unfair labour relations practices, if you have to litigate them, are as good as putting you under if you can't afford to fight an international trade union, which is going to happen here.

You may hear some other rhetoric across the way or whatever, saying that this is balanced and all that stuff. Quite frankly, I don't think anyone on the other side of the fence even understands construction labour law, let alone what they put in the bill, let alone whether they've even read it. It's a very difficult piece of legislation to deal with. The construction labour relations law in the province is very complicated. If they really understood what they were talking about, they wouldn't be putting forth something that they say restores the balance. That is just spin, just a code word to satisfy what the construction labour unions wanted in terms of making it easier to certify. It shouldn't be any easier to certify someone by

going up and saying, "We've got more bucks than you, and if you don't agree to us, either we're going to outspend you and make sure you are out of business or we're going to put you in a position where the labour board is going to make a decision that you're not going to be able to run your business."

That's not what this province is about. That's why it's very disappointing when you see a process that is based on free elections—why wouldn't you want that? I find it very difficult in terms of why you would not want a secret ballot to elect your representative. Everybody gets that choice. That's why we have elections every four years—or so the Liberals say, that we're going to have an election this four years. But we haven't seen whether that really will happen. Time will tell.

I find Bill 144 an overreach. It has caused great concern in the business community. I think it has caused concern because there was a lack of consultation, and everybody knows that it's an overreach.

The Acting Speaker: Questions and comments?

Mr. Michael Prue (Beaches–East York): I listened to the whole speech by my friend sitting beside me here, and I have to tell you that the member from Barrie–Simcoe–Bradford did not touch on really any of the points that I would consider to be relevant to this debate, save and except his last comment, his last few sentences, when he talked about the need to further discuss this.

I will tell you, what is wrong in the province is that workers are being denied the rights that have existed in the province since the 1950s. Since the 1950s and up until some 10 years ago, workers could organize; workers could certify a union based on card-based certification. This was a democratic right that workers fought for, that workers expected. Workers organized around convincing the fellows where they worked that they would be much better off if they were united and if they were together. That's what we in the New Democratic Party think all workers should have and what we should go back to.

The problem that we have—and I will be speaking to this bill in a few minutes—is that it is not universal. To simply reach out and to say that construction workers can have the rights that all workers once enjoyed but no one else can have them is the major problem. The problem is not workers wanting to have power. The problem is not workers wanting to have a better lifestyle. The problem is not workers wanting to have control over their places of employment. The problem is those who would deny it. We believe that this legislation that is proposed here today, far from going too far, does not go far enough. I will be addressing that in my own statement.

The Acting Speaker: Further questions and comments? The member for Nepean–Carleton.

Mr. John R. Baird (Nepean–Carleton): Thank you very much, Mr. Speaker, and might I compliment you on the fine job you've been doing in this Legislature. Perhaps I shouldn't say this in this place, but all of us on the official opposition side of the House are tremendously proud of you.

For those of you who don't know, the member for Waterloo–Wellington was appointed to three party task forces. He is the co-lead of the John Tory task force on economic development; he is also serving on the health task force, which I am privileged to serve on; and he is also serving on the education task force. There's quite a bit of anger and resentment in the John Tory caucus that Ted would get appointed to three of these working groups, but I think it underlines the huge amount of commitment and support that our leader John Tory has in the member for Waterloo–Wellington. He is tremendously well-regarded in our caucus, as evidenced by those three critical appointments.

1900

The Acting Speaker: The member is completely out of order, and I'd ask him to withdraw all those statements, please.

Mr. Baird: Withdrawn.

I would like to congratulate the member for Barrie–Simcoe–Bradford on his remarks. I share the member's view that, what in goodness' name do we have against secret ballots? The sanctity of the secret ballot is being violated by this Liberal government. They have secret ballots in Afghanistan now, they have them in Iraq, they have them in Russia and—

Mr. Robert W. Runciman (Leeds–Grenville): Palestine.

Mr. Baird: No, there is no country called Palestine. It's the Palestinian Authority, which is part of the state of Israel.

That is the remarkable thing, and I call upon this government to amend that terrible part of their bill.

Ms. Shelley Martel (Nickel Belt): I had a chance to speak on this bill and also to make some comments with respect to other people. Let me say to the member for Barrie–Simcoe–Bradford that it will be no surprise to him that we're opposing this bill too, but for different reasons.

I think there is a need—it has long been recognized that there is a need—for card-based certification, because the fact of the matter is that there are employers who would use every tactic, every bit of intimidation they could to try to intimidate workers between the time of the organizing drive and when they could actually get certification.

What is really interesting about the position of the Liberals is that they talk about balance but their legislation doesn't reflect the long tradition of balance with respect to card-based certification that has actually been in place. Since 1949, successive governments have allowed card-based certification to apply in all workplaces, not just one sector of the economy. If it was fair for John Robarts and fair for Bill Davis and fair for David Peterson and fair for Bob Rae to have card-based certification apply in all workplaces, why isn't it fair now for the Liberals to apply the same, especially since it was a Liberal government under David Peterson that followed that long tradition?

I don't understand why this government insists on discriminating against a certain sector of workers. That's exactly what this legislation does. It allows some workers to use card-based certification, but not the majority of workers, and leaves the majority of workers—predominantly women and new Canadians—at the mercy of employers who will use whatever tactic, whatever method of intimidation they have to stop a unionization drive. The government needs to explain why it is prepared to discriminate on this matter too.

The Acting Speaker: We have time for one last question or comment.

Mr. Runciman: I want to echo my colleague's comments with respect to the outstanding job you are doing in the chair, Mr. Speaker.

Mr. Baird: For the task force or as Chair here?

Mr. Runciman: Both. There is no question about his abilities, Mr. Member, soon to be a federal member—we're very confident of that.

I want to say that I'm starting to receive a significant volume of correspondence in my own constituency office with respect to this legislation. Mr. Speaker, I'm sure you are having the same experience in your office as well. I won't talk about card-based certification to any extent, although I certainly share the concerns with respect to secret ballots. But I think most of the small business people who are starting to contact my office—whether they run a Tim Hortons franchise, a Canadian Tire store or a McDonald's operation—are very, very concerned about the changes this piece of legislation will bring about with respect to the increased powers of the Ontario Labour Relations Board.

This is really back to future. In fact, when anyone has a concern with respect to what they perceive, rightly or wrongly, as inappropriate activity on the part of management, they will now have the right to complain, and the ORLB will then, at some point, make a decision with respect to certification. If you look back—history should teach some lessons here—the ORLB will be inundated with complaints about management from the union sector with respect to organizing drives, and the practice of the ORLB, much too often, was to agree with the union complaints and automatically certify the union. This is unfortunate, and I think is going to have a dramatic impact on our ability to attract new investment and new jobs and to grow our economy.

The Acting Speaker: I'll return now to the member for Barrie–Simcoe–Bradford. You have two minutes to reply.

Mr. Tascona: I certainly appreciate the comments from the members for Beaches–East York, Nepean–Carleton, Nickel Belt and Leeds–Grenville.

The members of the NDP caucus have been succinct in terms of what they're asking from the Liberal government, which is, why are you just giving card-based certification to the construction industry? Why aren't you applying that all across the board? For the members of my caucus, certainly, there's a recognition that there has to be a balance.

Everybody knows that small business is driving the economy of this province. This particular piece of legislation is really a shot across the bow in terms of what the government's intentions are here in labour relations. Why are they tinkering in areas that really don't need to be affected? The construction industry in itself has been operating very efficiently. There have been changes to make sure that they've reduced labour strife. Here we come back again to the 1980s and 1990s, saying, "OK, we're going to give the international unions the hammer, and they can come in and use the unfair labour practice approach in terms of getting certification." Because they're going to get that and they're going to use it, and it's going to increase the litigation, as the member from Leeds-Grenville talks about, in terms of inundating the labour board.

The question that really does arise—and I think that's why the NDP is asking it—is, why did you limit it to the construction industry? Why did you do that? I think it's very simple. There was something that went on with the Liberal government and the construction unions, which is disturbing, because that's not good policy in terms of how you're trying to operate this province.

This is a difficult piece of legislation to deal with, and I can tell you that the labour board is going to need more manpower just to deal with it.

The Acting Speaker: Further debate?

Mr. Prue: I'm absolutely overjoyed to say something about this. This bill is before the Legislature. It has brought back a lot of memories to me, as a young person growing up in downtown Toronto and seeing what Toronto was like in those days, particularly for those who did not earn enough money, for those at the bottom of the socio-economic ladder, for those who were struggling, trying to do the best they could for their families, often in very difficult circumstances.

As a young person, I had a number of jobs. I'm sure young people in those time frames and even today had a number of jobs, trying to get some money to pay for an education, trying to get some money to help one's family, trying to get some money by any number of means just to simply live and to exist. Some of those first jobs were tough. Some of them were very tough. They involved night shifts; they involved sweeping of floors; they involved picking dew worms. I even did that for one summer. That's back-breaking work, if you've ever tried to do that.

But something wonderful happened to me when I was about 17 or 18 years of age. I got my first union job, working in a factory. I want to tell you that although that was a dirty, dangerous place in which to work—it was a rubber factory on Queen Street in Toronto called Dunlop. They made conveyor belts, bicycle tires, handrails for escalators, those kinds of things. There were people there who had obviously suffered the trauma of workplace accidents. There were people there with black lung. There were people there who had to breathe in carcinogens, who worked with toluol and toluene, who would sometimes get so dizzy from the fumes and from the heat

and from the exhaustion that they would literally pass out. It was not uncommon, on a yearly basis or so, to have someone die at the machine through overexertion.

But it was a unionized factory, and it was very different from any other place I had ever worked before. It was a unionized environment where, collectively, the men and women who worked there had an opportunity to change that environment, to bring in machines so that people didn't literally go through what we called Banburys, where the rubber was flattened to the size of a pancake, and if your hand got stuck in there, so were you. There weren't even safety bars when I arrived there, but there were by the time I left. The union and its representatives could sit down and negotiate health and safety concerns, so that people did not die, so that people were not maimed for life. It was an opportunity where they sat down collectively and argued wages. Whereas all my friends, including myself, worked for what today is the pittance of about 75 or 80 cents an hour, my first unionized job paid \$2.40.

1910

I never forgot what that collective agreement meant to me. It meant earning three times as much as someone who had a non-unionized job, even all those years ago. It was also an opportunity to have job security because, within the terms of the collective agreement, we knew how much we were going to get paid. We knew that the wages would come each and every week. Throughout the life of that collective agreement, until another one was signed, we were reasonably secure in the knowledge that we had job security. We knew how much we would be paid for moving from one machine to another. The rates would change a few cents an hour, but they would change as some jobs required more skill and dexterity.

The thing that it taught me most, though, was that the workers in that location were different than in every other location I had worked in before or in some of locations I have worked since, because the workers had something that non-unionized workers will never have: They were equal with their employers—not every day, but equal with their employers at least once every couple of years when they sat around the collective bargaining table, when they negotiated one-on-one with the guy who showed up in a white shirt and a tie. They negotiated one-on-one with him, and they were able to come to an agreement and to shake hands and to set their own terms and conditions in which they worked. It was an opportunity for equality for them.

It was an opportunity they probably would not have otherwise had, because, you see, it was a rough place to work. People came from all over the world. They spoke many languages. Some were new immigrants. Some didn't know much of the system. A great many of them had only a rudimentary education and in some cases no education at all. But through the collective agreement and through card-based certification—which preceded me—they had an opportunity to negotiate and to control some of the elements of their life. I never forgot how important

that was to those men and women. What they had, I think all workers should have.

The government of Ontario some 50 years ago determined that there should be card-based certification. Many, many unions in the industrial sector, some in the commercial sector—even the public sector, even the construction sector—used that card-based certification to establish unions and to make working conditions, wages, health and safety considerations and equality—I stress equality—the hallmark of places of employment. If you go back those 50 years, back to that time that some Conservatives want to take this province to, back to that time before there was equality and before there was a presence in the workplaces, then you take them back to a time of inequality.

I am not surprised that some members of the official opposition oppose this bill. They want to take us to a meaner place that exists south of Canada, in the United States, where the buzzwords that are being used here are commonplace. But I want to say that I think that what we had here 50 years ago was correct and is what I would like to return to; that which was taken away 10 years ago is correct. I want that for all people.

Mr. Tascona: You can't go back.

Mr. Prue: No, you can't go back, but you can't take us back 100 years either, which is what you're trying to do. Your position is to take us back 100 years.

Mr. Tascona: Yes, but we're not the government.

Mr. Prue: I know.

Anyway, I'm not surprised at the official opposition. I am surprised, though, at the government, because I had thought the government was more interested in being fair than that. I have a quotation here from Dwight Duncan, which I think is very good; I wish they were following some of the things they said before. This is from October 18, 1995: "We believe that unions are already democratic organizations and that the so-called workplace democracy changes are an unnecessary and deliberate provocation of organized labour.... We will ask the government to restore the 55% automatic certification."

That's what we would like to have happen for everyone, not just those in the construction sector. The reaction from the construction workers, of course, has been one of saying this government is doing OK, because they are looking to have restored for them what they had for so many years. But the other unions in Ontario are starting to say this is not right.

In closing, I'd just like to read what a few of them have to say. First, the United Steelworkers write: "As the Steelworkers District 6 director representing 90,000 members in Ontario, I am writing to you today to request your support to oppose Bill 144. It would be an insult to every woman and visible minority in this great province to have Bill 144 pass. The Liberals' proposed amendment to the Labour Relations Act to extend card certification only to the construction sector is deplorable."

I would like to quote from Unite Here. They say: "On behalf of the over 22,000 members of Unite Here in Ontario, I am writing to ask that the entire Ontario New

Democratic Party caucus vote against the Liberal government's Bill 144 in its present form," and goes on to say that the rights should be for all employees, not just those in the construction sector.

I will be the last debater for our party, and this will be the end of NDP comments. We are asking that this be sent to committee and that some very fundamental and real changes be made to this bill so that all workers, all people, men and women in this province, have the rights that were so brutally taken away from them 10 years ago. I ask that this government send it to committee and do the right thing, not just for construction workers but for every Ontarian.

The Acting Speaker: Questions and comments?

Mr. Baird: While I find the member's conclusions rather compelling, I don't exactly take the same journey he does to get there.

Ms. Martel: Let me pick up where my colleague from Beaches–East York left off, which is to say that what we want for construction workers in the province, we want for all workers in the province. That's the way it was from 1949 to 1995. For 50 years in the province of Ontario, through successive Conservative, Liberal and NDP governments, the rule of the day was that card-based certification was applicable to all workers. The fact of the matter is that all workers can be subject to intimidation, subject to employer reprisal, subject to employer tactics to force them not to join a union, and we need to recognize that. Regrettably, that's as much a part of the Ontario economy today as it was for the 50 years that card-based certification was in place. What's the difference now? There isn't any. We should be protecting all workers from employer reprisals. That's what card-based certification did from 1949 to 1995, and that's what we in the New Democratic Party want it to do again, but for all workers.

There is no valid reason that only one set of workers in the province should have that protection. Every worker in the province should have that protection, and the government could very easily send this bill to committee and amend it so that all workers would be protected. I wait to hear from the government members whether or not they are going to end the discrimination against other workers or just merrily continue with it, as is so clear in this bill.

1920

Mr. Runciman: Very briefly, the Progressive Conservative caucus, under the leadership of John Tory, also supports this legislation going to committee and providing an opportunity for concerned Ontarians outside of Toronto to have input into this legislation, which we believe will have a very negative impact on the growth of the economy in the future, on jobs and on this province's attractiveness as a place to invest and grow your business.

I also want to make note of the fact that there are rumours circulating that the member for Nepean–Carleton, my seatmate, may soon be departing the Legislative Assembly of Ontario to seek to become a federal

member of Parliament in the riding of Ottawa West—Nepean. I want to say this evening what a significant loss that will be, not just to the Progressive Conservative caucus but I think to this place. He is an outstanding individual and an outstanding representative of the riding. If indeed the people of Ottawa West—Nepean have the opportunity to have him represent them as a federal member and serve them in the federal Parliament of this country, he will do them proud. He certainly has done us proud.

Mr. Tascona: He's not gone yet, I'd say to the member for Leeds—Grenville.

I just want to say to the members from Beaches—East York and Nickel Belt that I think they've put a spin on this that there's discrimination with respect to other workers because of card-based certification. The fact of the matter is, the discrimination is that people had the right to vote, and one area is still going to be allowed the right to vote and others are not.

That secret ballot to decide who your bargaining representative is going to be is a principle that I thought was very progressive in terms of making sure that we had free elections and every employee was involved, rather than the labour board making that decision. Because that's what happens: Whether it's an unfair labour practice certification or a card-based certification, every card ends up being litigated. But when you're into a free vote, people get their opportunity to vote. It minimizes the disruption in the workplace. When you get into the card-based and the unfair labour practice, you get disruption in the workplace.

When we're talking about small businesses being able to operate, their rights have to be respected too. It can't all be one way. So when the Liberal government comes out with this piece of legislation—nobody knows why they've come out with it. There is no policy reason as to why they came out with it. Even the Minister of Labour is pained to explain why he's brought it forward, other than the fact that it's basic Liberal arrogance, saying, "We're going to change the labour laws because the other party did something." That's one reason why that's bad policy. All it's going to do is affect small business, and that's going to be to the detriment of this economy.

The Acting Speaker: Member for Beaches—East York, you have two minutes to reply.

Mr. Prue: I thank the members from Nepean—Carleton, Leeds—Grenville, Nickel Belt and Barrie—Simcoe—Bradford.

I had hoped that some of the members of the governing party might want to comment on what I had to say. I have to say I am disappointed that not one member from the governing party in this House tonight saw fit to stand up and rebut anything that was said on this issue, either from the Conservatives when they spoke or from me when I spoke. I can understand your not wanting to put up any additional speakers, because I think the minds appear to be made up over there, but to not even comment on what I think are very valid criticisms of this particular bill is doing a real disservice to this House, this

Legislature and the bill that you are seeking to have passed.

You have an obligation, I would suggest, to justify the built-in discrimination in this bill. You have an obligation to say why only one sector of workers is going to be covered by card certification and why every other sector in the province is going to be denied that right. You have an obligation to explain why you are headed in this direction and, if indeed you intend to send this to a committee, which some have suggested you're going to do, you have an obligation to say to what end. If you are bound and determined to leave the bill virtually intact, and if you are not going to extend the right to the many and are going to keep it only for the few, then I think we ought to know this before it is in fact sent.

Again, I have to tell you, I am disappointed that not one person is willing to get to their feet to defend the government action, and I am in a quandary to understand why you are proceeding at all.

The Acting Speaker: Further debate?

Mr. Garfield Dunlop (Simcoe North): I'll be very brief.

As the member from Leeds—Grenville mentioned earlier, a number of letters have been coming into our constituency offices from our ridings opposing this legislation. I had a couple today that came into this office in Toronto, one from the Ontario Electrical League and one from a constituent of mine who operates four Tim Hortons donut restaurants in the area, and it reads:

"Dear Garfield Dunlop, MPP

"As an owner of four Tim Hortons restaurants located in your riding, I am proud to say that I employ 115 people. I have also been in business since 1984, supporting and contributing to my community. I am writing to you today to express the serious concerns that I have about the changes to Ontario labour laws, as proposed in Bill 144, the Labour Relations Statute Law Amendment Act.

"As it is proposed, Bill 144 threatens the fundamental principles of democracy in labour relations and it will create uncertainty and imbalance in the workplace. The uncertainty created by the untimely labour legislation will discourage investment in Ontario and lead to lost jobs and a lack of government revenues that should be funding our health care, education and other priorities.

"Ontario's hospitality industry in particular continues to struggle from a number of factors, and events over the last few years have contributed to declining tourism numbers and spending, creating economic instability for many businesses. Events such as 9/11 and the resultant border delays, SARS, BSE, the NHL strike, increased food costs due to weather conditions in the southern States, and the high Canadian dollar are all factors outside the industry's control that have had a significant and direct negative impacts on the industry. Uncontrollable rising costs such as gas and oil prices and insurance costs have also greatly affected the hospitality sector. The government must take every step possible to revitalize

and stabilize the hospitality sector and Ontario's workforce.

"I am seeking your support of the legislative amendments as proposed by the Ontario Restaurant Hotel and Motel Association, a member of the Coalition for Democratic Labour Relations. These amendments have been presented to the Ministry of Labour. If the government does not adopt these amendments, then we are calling for Bill 144 to be defeated.

"Our specific issues with the bill include:

"Remedial certification: Bill 144 gives the Labour Relations Board the power to impose union certification if it judges that the employer has broken a rule and conducted an unfair labour practice. While the minister has stated that this power would only be used as a 'last resort,' the legislation does not explicitly state this. We must have clarity and precise definition written into the law, defining when this power can be used. The types of conduct that can trigger remedial certification must be clearly specified. Employees must be given at least one opportunity to cast a ballot and exercise their democratic right.

"Card-based certification: Bill 144 permits unions in the construction sector to certify a union by filing membership cards signed by 55% of employees. Bill 144 denies employees their right to a secret ballot vote. This is a cornerstone of democracy. This is totally inconsistent with the Ontario Liberal Party's campaign theme of the need for 'democratic renewal.' Card-based certification should not be the methodology in any sector of business.

"Definition of non-construction employer: Bill 144 requires clarity in the definition of construction employers. Simply put, employers who clearly do not operate a construction company should not be bound to construction collective agreements.

"Decertification posters: While we have no objection to the requirement that decertification posters be removed, it is important that it be clearly defined in law that the employer retains the same rights to communicate with its employees. There should be no provision in the bill that creates an offence for failing to remove the poster.

"Interim reinstatement: Bill 144 gives the labour board the power to reinstate workers who have been dismissed for cause during an organizing campaign. If this is not amended, it will lead to the union filing unsubstantiated claims of dismissal regardless of the merits of the case. This clearly is a concern for all businesses, whether they are currently unionized or not.

"Now is not the time to be creating uncertainty and sending negative signals to people making investment decisions within the province. The finance minister himself has openly discussed the fiscal problems being faced by our provincial government.

"I ask that you as my MPP, please tell the Premier withdraw Bill 144. If he does not listen to the hundreds of employers who are very concerned about Bill 144, then we ask you to vote against it."

It's signed by Theresa Tennant, the owner of the Tim Hortons.

1930

On behalf of John Tory and our caucus, I want to say to Ms. Tennant that we will not be supporting this bill in its current form. I look forward to people like Ms. Tennant, the people at Tim Hortons, the Ontario Electrical League and all the other folks who are sending us letters having an opportunity to debate this and to make amendments and recommendations to the standing committee.

The Acting Speaker: Questions and comments?

Mr. Prue: The member quoted a letter at length, so I'd like to quote some opposing views from two others, which I couldn't get in in my 10 minutes. The first is from the Communications, Energy and Paperworkers Union of Canada, and they wrote the following letter on April 12:

"I am writing on behalf of the over 50,000 CEP members in Ontario to request that the Ontario New Democratic Party caucus vote against Bill 144 as proposed by the Liberal government.

"Bill 144's denial of card-based certification rights to all workers except those in the construction industry is discriminatory and tramples on the rights of women and visible minorities in Ontario. The card-based system is particularly vital to women, visible minority and new Canadian workers who deserve the same rights.

"This province does not need legislation that provides card-based certification for some and 'second class' status for the majority of working people and their families.

"Ontario does need legislation that ensures all workers are treated equally, with equal access to trade unions, without fear of reprisals and intimidation from employers. Sadly, Bill 144 does nothing to address these issues.

"Bill 144 in its current form is a deplorable, indefensible and discriminatory piece of legislation that I am urging all NDP MPPs to vote against."

It's signed by Cecil Makowski, who I think some people may have heard of.

In the few seconds I have left, I want to say that it is very difficult to understand, when rights come to be in a province or in Canada, that they can only be shared by some people. I do not understand it. If these were rights to vote and you said only men could vote and women could not, you would deplore that; or if you said that only native-born Canadians could vote and those foreign-born could not, you would deplore it. I do not understand how you can find this to be defensible.

Mr. John O'Toole (Durham): I'm always pleased to respond to the member from Simcoe North. I endorse wholeheartedly the sentiments he expressed in the letter from Ms. Tennant, who represents just a small fraction of the small business people who have serious concerns about the style and priorities of the current government. In looking at the job creators in Ontario, they are indeed the entrepreneurs, the innovators and small businesses in the province. It's a sad testimony of the slow and gradual but deliberate encroachment of government into the

territory of persons who risk their own assets and personal initiative to create jobs in the economy of Ontario.

This current rebuke by the NDP is evidence that this has no reasoned resonance with many of the constituents in Ontario. The NDP are clearly on record as supporting a unionized workplace, and I have no fault with that. And I have no fault with the argument made by the member from Simcoe North. It's clearly ill-conceived, ill-drafted and ill-prepared legislation that does nothing to create jobs. It creates uncertainty for jobs and investment.

In my riding of Durham, a large number of people work in very organized work sections, which would include General Motors. The CAW itself has issues on this card certification. As well, Ontario hydro workers, the current OPG, also have expressed anxieties with respect to that. If you look at the construction industry, it's a very unique industry and a unique sector in employment, and they have had work site organizational issues for a long time.

Clearly, there is nothing in this bill that does anything for jobs and creating investment and opportunity in the province, as stated by the member from Simcoe North, his constituent Ms. Tennant and the employers in this province.

Ms. Martel: It's not going to surprise the member for Simcoe North that I disagree with him entirely and disagree with the perspective he raises. We opposed his government when it cancelled card-based certification through Bill 7, and I am proud that I did that. I am proud that I was part of a caucus as well that opposed this government when they went ahead and repealed the legislation that was in place to ban scabs—that was a mistake—when the Conservatives brought in changes that really reduced workers' access to WSIB and benefits; when the Conservatives brought in changes to proxy pay equity and cancelled proxy pay equity for women. That had to be fought and reinstated through the courts. The Conservatives were very much on record as undermining trade unions, workers' rights and workers' protections, so I'm not surprised about what I hear tonight from the member for Simcoe North.

What's interesting is that the Liberals, when they were in opposition, opposed Bill 7 too. They actually opposed it when you did away with card-based certification, and here we are tonight with a half measure that reinstitutes card-based certification for some and not for others. I've got to tell you that my opposition to this bill would be the same if we were here tonight giving card-based certification to every other worker except those in the construction trades and denying it to those in construction. That would be wrong. It's discriminatory. I wouldn't support that, and I'm not going to support this here this evening.

This government has yet to explain why they think it's OK that they would apply some rights and protections to some workers in one sector and not to everybody else. What was good enough for all workers for 50 years in this province, before the Conservatives gutted card-based certification, is good enough now for all workers. The

government needs to stand in its place and try to defend its half measure to protect some and its measure that will leave most open to employer intimidation and employer tactics.

I will not support a bill that discriminates against some workers. That's wrong, and I won't be party to it.

Mr. Baird: I want to say three things: (1) a great speech from the member for Simcoe North, and (2) my God, don't you support the secret ballot?

There's a third thing I'd like to do while I'm here. The member for Nickel Belt talked about when we repealed Bill 7. Well, I can tell you that the labour movement was very enthusiastic in their response to that legislation. My friend Pat Dillon, a good trade unionist, is here from the building and construction trades. I got a very rousing welcome—in the week that we repealed Bill 40, I had the good pleasure to attend a meeting of Pat's, a provincial meeting in Windsor. I can tell you, I have never had a reception quite as enthusiastic as the one I received that day in Windsor. Welcome, Mr. Dillon, who is with us here in the gallery.

Despite the impassioned speech of the member for Nickel Belt, I agree with the member for Simcoe North and appreciate his wise advice on this issue.

The Acting Speaker: The member for Simcoe North has two minutes to reply.

Mr. Dunlop: First of all, I want to thank the members from Durham, Beaches—East York, Nickel Belt and Nepean—Carleton for their comments.

I guess I'm wondering who is really going to support this bill. If Michael Prue, Howard Hampton and the New Democratic Party are not going to support it from one angle, and over here we're hearing from the business community—and I have other letters that are similar to that, from other companies, but I thought the letter from Ms. Tennant from the Tim Hortons branch in the Midland area summed it up for the business community—I'm not sure anybody is actually supporting this legislation.

I want to say, as Mr. Runciman said earlier, that we look forward to the committee hearings. As time goes on and more people are finding out about Bill 144, I think we're going to see a lot of objections from the supporters of the New Democratic Party, as well as the small business community, who certainly will be objecting to this.

I wanted to mention that I have another couple of meetings tomorrow with some other constituents, now that this has become an issue they are really concerned about. They're worried about job creation, they're worried about economic growth in their businesses and in the community. Of course, we should be concerned, as the Minister of Finance is—it has been mentioned—that this could have a detrimental effect on the economy of our province.

I appreciate the opportunity to say this today and thank you once again.

The Acting Speaker: Further debate?

I am going to ask the Minister of Labour if he wishes to reply to the debate. He has an opportunity, if he wishes, to sum up.

Hon. Christopher Bentley (Minister of Labour): That's very kind, Speaker, but no, thank you. So much has been said.

1940

The Acting Speaker: You're right about that.

Mr. Bentley has moved second reading of Bill 144. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members.

I wish to inform the House that I have received a deferral notice from the chief government whip. Therefore, the vote on second reading of Bill 144 will be deferred until tomorrow at the time of deferred votes.

Orders of the day.

LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

Resuming the debate adjourned on April 11, 2005, on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I just want to comment briefly on this bill, because I have been in the Speaker's chair for a number of days of debate and have listened to some very interesting criticisms and comments from the Liberal side that this is going to solve the problem.

In my riding, we had a very serious situation that occurred at the old Molson plant, and it wasn't something that was found by anything other than happenstance, in terms of dealing with this. I think there are some measures in place that this bill could possibly address in terms of building inspectors, but quite frankly, when you're in a plant as large as that type of plant—I was speaking to a firefighter the other day. We were dealing with a program that he was promoting in terms of mercy ships, which is dealing with surplus fire equipment to take over to Third World countries. He talked about a fire that he fought last week in Toronto, and in the course of fighting

that fire, which was in the west end of Toronto, they came across in the plant a grow-op. Fortunately, it wasn't booby-trapped or whatever, so they could get into that particular office space where this grow-op was.

That's something that this bill is not even going to deal with. It will not be able to deal with that unless you have a plant set up on separate meters, and a lot of them aren't on separate meters. So for a situation that occurred in Barrie at the Molson plant and further up the highway near Orillia at another plant, this bill is wanting in terms of trying to deal with this particular situation. It won't deal with it.

I can tell you also that we have heard talk about the police officers. The Liberals promised 1,000 new police officers on the street. None of those have come forth. What is the point of having a law unless it can be enforced? The enforcement mechanisms that are put in place are wanting. They're trying to make this look like a municipal responsibility when in fact it is a criminal responsibility. So I find that this effort put forth by the Solicitor General is wanting, and it's not going to solve the problem.

The Acting Speaker: Questions and comments?

Mr. Michael Prue (Beaches-East York): I unfortunately did not hear all of what was a very short speech, but the point that needs to be made is that what is really needed, if you're going to stop grow operations, is an expanded police enforcement unit. Whether that involves one new officer or the 1,000 officers that this government talked about during the last election continues to remain to be seen.

It is not of much use to have civil rights trampled upon by this bill, as has been suggested, where people can enter premises without a warrant simply on the say-so of a police officer, and it is simply not enough to say that the fines are going to go up. Yesterday, my colleague from Timmins-James Bay had an opportunity to speak on this bill. He likened it to what would have happened had the United States government introduced a similar bill during the time of Al Capone, and whether or not this would have stopped any of the bootlegging operations.

When you cut off electricity, when you enter premises or when you increase the fines—which average some \$1,500, so maybe they're going to be \$2,500 on multi-million dollar operations—none of those is going to work unless you have a police presence. There is nothing in this bill that indicates that the police presence will be increased, and therefore I wonder at the value of the bill itself. That is the problem with it. I have not heard any government members talk about the possibility or the probability in the upcoming budget of there being monies for police, nor have they talked about assisting the municipalities in funding them themselves.

I don't know what this bill purports to do, and I'm waiting again for some government member to speak to it.

Mr. John O'Toole (Durham): The member from Barrie-Simcoe-Bradford is a practising lawyer and, as such, knows of what he speaks to some extent. But I

think the real issue here was brought forth by the member from Leeds–Grenville. He understands it well, having served as the Minister of Community Safety. I would refer to his remarks earlier on Bill 128, that this bill does nothing to stop the proliferation and the rash of profit-making and profiteering in a criminal environment, and that this bill, in its attempt to do the right thing, serves no measure of penalty for inappropriate conduct in our communities.

I will be speaking just after this about my conversations in Durham region. As many of you and the listeners tonight would know, Chief Kevin McAlpine is the co-chair of the greenbelt initiative that was formed, the Green Tide committee that met in Toronto, and is still serving. I might say, to bring these and other tools to the forefront. But the government has failed to recognize that all of what has been said here does little to give police the tools. Although it's a step, in many cases there are no resources to support the initiative.

I feel for the victims, the youth in our society and our communities. I feel for the perpetration of crime, because the police are given less than adequate enforcement tools. The government has a lot of bark but no bite, and this causes me great concern. I know that Mr. Runciman, the minister at the time, would have brought the full force of the law to tougher sentencing and the Attorney General would have directed the crown attorneys to appeal any soft sentence. This does not go nearly far enough.

Ms. Shelley Martel (Nickel Belt): This bill reminds me a little bit of the debate we were having earlier on Bill 155, to which I also had an opportunity to speak. In Bill 155, the government members have been out promising support recipients in particular that the new tools they are bringing forward with respect to new enforcement mechanisms to get more money are going to get at these so-called deadbeat dads, get money out of them and get it to the recipients and the children who need it. I'm all in favour of getting court-ordered support to recipients and children who need it, but the problem with the government analogy is that there's neither the computer system, the case management system nor the staff in place at the FRO to make it happen.

I make that conclusion and draw it as an analogy to this bill, because the fact of the matter is that here's the government with this legislation, promising a crackdown, a big law-and-order agenda: "We're going to get tough on grow-ops. We're going to get tough with people who are associated with them." Frankly, nothing is going to happen unless you can back it up with additional police enforcement; zero is going to happen. That's what the government has failed to address. The fact of the matter is that despite Minister Kwinter's announcement some time ago about additional police resources—50% funded by the province and 50% funded by the municipalities—I can tell you that my municipality is still waiting for the cash, still waiting for the dinero, still waiting for the green stuff in order to actually be in a position to hire some new police officers, and it hasn't come yet. We had this announcement from the minister—it's getting to be

months ago now—and still no arrival of money at the local level to actually hire new police. The fact of the matter is, you're not going to be able to get tough with respect to grow-ops unless you're in the enviable position of having adequate enforcement. We don't have that, and there is no sign in sight in terms of additional police resources either.

1950

The Acting Speaker: The member for Barrie–Simcoe–Bradford has two minutes to reply.

Mr. Tascona: I appreciate the comments by all the members, and I can say no more.

The Acting Speaker: Further debate?

Mr. O'Toole: I'm pleased, out of respect for the work that's done by Durham regional police services and Chief Kevin McAlpine, who, as I said earlier in my response, serves as the co-chair of the Green Tide Summit. In fact, Durham region has served a leadership role, and I do want to be on record as supporting Chief McAlpine and the work done by the drug enforcement unit. I spoke today to the police services group, and I understand that they see this really—in Durham, the record is very clear: There are 200 grow-ops; they've had court proceedings that addressed a very serious problem for the community as well as some of the safety issues that go along with that.

Just this week, in the Canadian Statesman—I'm looking here at one of our local papers. I'll read the headline for the record: "Judge Dismisses Charges Against Grow-Op Defendant." This was a deliberate and overt case. I read that it's by Jeff Mitchell, a staff writer. The article is dated April 6, 2005:

"Durham regional police officers trampled the constitutional rights of a man arrested for operating a ... grow operation when they barged through the front door of his home without a search warrant...."

That's the issue here: the search warrant. I'm not sure this bill does very much to address this inadequacy.

"Superior Court Justice Barry MacDougall said officers took a 'casual approach' with regard to Edmond Kim's rights when they entered a Pickering house in April of 2003, on the pretext of rounding up two large dogs that had been terrorizing the neighbourhood. The judge threw out evidence gathered by the drug enforcement unit ... including grow equipment, cash and more than 560 marijuana plants, resulting in the dismissal of charges against Mr. Kim.

"Mr. Kim, 30, pleaded not guilty to three charges at the start of the trial."

"Given the conduct of police ... I find the breach of the defendant's (charter) rights to be a serious one," Justice MacDougall said in delivering his judgment Monday afternoon in Whitby."

Mr. Tascona: What's the date of the article?

Mr. O'Toole: The member from Barrie–Simcoe–Bradford has asked for the date; potentially he wasn't listening. For his record only: April 6, 2006.

Mr. Tascona: It's 2006?

Mr. O'Toole: It's 2005, pardon me.

Mr. Robert W. Runciman (Leeds–Grenville): A prognosticator.

Mr. O'Toole: Well, it's a case that could be appealed, of course.

I would only say to you that that article characterizes what's missing from the bill: this search warrant issue. The member from Halton last night, I would say, argued the case very well. It's worth looking at Hansard from last night, because he did cover the case.

I just want to be on record as supporting the hard work by the drug enforcement unit, the number of convictions, the role of Kevin McAlpine, our chief, and how important an issue this is in our community. With that, I believe that Bill 128 is a bill that takes a good first step, as our critic Garfield Dunlop, the member from Simcoe North, has stated.

Mr. Tascona: A modest first step.

Mr. O'Toole: A modest first step.

I'll support the bill, based on the advice of our critic, who watches the minister's actions very vigilantly. This is just a baby step in the overall scheme of things. Most of these issues affect our children; therefore, I'm very concerned.

The Acting Speaker: Further debate?

Mr. Prue: There is a provision here in the bill that I have not heard, and I have had the opportunity to sit in the Speaker's chair and to hear much of the debate around this issue. There is a provision that no one has spoken to yet that ought to be raised. One of the provisions is that the maximum fines for violations of the Building Code Act, 1992, are doubled and the possibility of imprisonment for up to one year is added.

I think that people who break the law knowingly should be prepared to do the time and that people who break the law should know what is involved. But I want to tell you of a very unique story that I don't think is all that strange in the annals—

Interjections.

Mr. Prue: It's very hard for me, Mr. Speaker. The conversation here is far too close.

The Acting Speaker: The member may take his seat. I would ask the members who are engaging in a conversation to perhaps leave the chamber to engage in it so that the member for Beaches–East York has the opportunity to speak to this bill.

Mr. Prue: I received a phone call from a constituent, and he knew that we were talking about grow operations as part of a government bill. He invited me over to his former place of residence, a home that he owns, a home that he has, for a number of years, rented out to families. He invited me over to tell me exactly what had happened to him. It is a very nice two-storey home in Beaches–East York. It is a home that is kind of nondescript from the street, in a quiet neighbourhood, just an ordinary home that's maybe 50 or 60 years old.

He decided some time ago, owning a couple of homes, that he would leave that home where he and his family had lived for many years and where I got to know him. He moved to a newer and larger home in Scarborough.

He decided to keep the house and to rent it out. He rented it out last year to a group of young people, and that's when his problems began. You see, he rented it out, and they were a little bit late with the rent, and he struggled. Even though they were late, they continued to pay. He served them eviction notices, but of course it was very difficult to evict. He kept getting his money. He noticed a deterioration on the outside of his home but actually had a very difficult time trying to get inside the home to inspect and make sure that it was all right.

In January, the police raided his house, and they confiscated a number of marijuana plants. They confiscated grow operation equipment. They confiscated the wiring system that they had rewired in order to allow the plants to grow and the fluorescent lighting to be on 24 hours a day. The police busted that house and the people who were renting it under the old legislation.

But this is what happened to him, this poor, innocent victim who did nothing except rent his house to the wrong people—and this is what I'm worried about in this particular provision of the Building Code Act. Under the existing Building Code Act, this is what happened to him in the province of Ontario. The first thing, he was required by law to have his house have an entire structural analysis. He had to call in structural engineers to determine whether or not the boards, the joists, the floors, the ceilings, the roof and everything that was part of this 60-year-old house were still structurally sound enough to make it habitable by humans. This was done at great cost to him. It was found that the house was still structurally sound. He was then required under the laws of Ontario to have a complete health check. The health unit of the city of Toronto was called in, as were various doctors and health professionals. They completely checked the house to determine whether or not there was any mould, any mildew or any vestiges of disease that were left over from the growing of marijuana.

2000

He was then required, under the laws of the city of Toronto and the laws of the province of Ontario, to have his home inspected by bylaw enforcement officers, the same ones that you want to give more power to. Not only did they inspect the areas in the basement where the grow operation was taking place, they have literally inspected every single square inch of his house. Downstairs, upstairs, where the marijuana was growing and where it was not growing, the backyard, the fences, they have inspected it all. This man in a 60-year-old house now has to make repairs to everything from cracks in the cupboards to cracks along the walls. He has to putty. He has to put in new balconies. None of this was related to the grow operation. This is what happened under the provisions of the Building Code Act to an individual who did nothing wrong, save and except to rent out his home to the wrong people.

Now, you are asking in the provision of this to give more powers under the Building Code Act and greater penalties. I am very curious as to whether you want to extend this to poor, unsuspecting people who just rent out

their house, who have nothing to do with the grow operation, but in whose property this happens. We know that the Molson's plant in Barrie probably had no idea that a grow operation was going in there. I don't know what it cost the Molson's company, although they probably had a much better financial opportunity to make the necessary repairs, and probably have hundreds of thousands of lawyers to defend their case against governments, big and small. I don't know what it cost them.

If this government is trying to get hard on crime, I would say fine, but if you are going to turn around and get hard on ordinary citizens who have the temerity, the unmitigated gall to try to rent out a home rather than to sell it, trying to keep something within the family as a means of enhancing the family income, then I have very real problems with what is being suggested. I have not heard from any government member what this provision means. I need to know from this government whether or not you are going to bring down the wrath of the government on somebody who, unbeknownst to them, has fallen victim to grow operations. It seems to me that the individuals who were actually growing the marijuana were released on bail almost immediately. It seems to me that he has had a difficult, if not impossible, time getting anything from them in terms of monies. It's hard to sue them. It's hard to even find them in order to try to recoup the losses of the structural engineer's wages and the wages for the health unit that he had to pay for and now the tens of thousands of dollars and hundreds of hours of back-breaking work he is having to do to make every single minor repair you can possibly imagine existing in a 60-year-old house. Even the comments on the size and the wattage of the light bulbs have been included in the work orders.

I find this strange; I find this bizarre. If that is what this bill intends to do, then I think the bill is off on the wrong footing. This is what happened to one individual. I don't know whether that's the intent of the government bill. I would ask the government again to take this to committee. I would like very much for my constituent to come and to describe in graphic detail, to show you some pictures of what happens inside a grow operation. But more importantly, I think that you should understand what happens under the existing law and that if you are going to make the new law even more onerous on ordinary citizens, then I think that has to be reworked.

I think that's the only aspect of this bill that I wanted to comment on, other than the part about the police enforcement. Surely if the law is worth enforcing, then we have to have people who are capable and willing to do it. We cannot rely on bylaw enforcement inspectors and electricity people to cut off the electricity. We need trained police officers, officers who understand the law, officers who have the authority of the law to enter, officers who have the authority of the law to get warrants where warrants are necessary. What I would be much happier to see from this government is the finances to make that a reality.

The Acting Speaker: Questions and comments? Further debate?

Ms. Martel: I just want to talk about policing, if I might, with respect to this bill. As my colleague from Beaches-East York noted, if you're going to make something like this work, you're going to have to have the police enforcement to back it up. What has become clear to me is that there are many communities across the province right now who feel that their current position, even without this bill, is that they don't have enough police officers in the community, on the streets, to do the job that is necessary for their officers to do in order to protect the public.

I spoke a little bit earlier and I just want to repeat my concern with the fact that the government would try and portray this as somehow a law-and-order issue and give people the impression that with the new tools that are going to be at the disposal of inspectors and others we're really going to be able to clamp down on grow-ops, to get tough on this type of crime. I've got to tell you, I'm thinking that our police resources could probably be much better utilized in domestic violence crimes, murder, home invasions—those kinds of things where people really feel violated and, indeed, are violated. I would argue even today that there aren't enough police officers in our communities around the province to carry out those very necessary safety issues.

The government, some time ago, made an announcement that they were going to put the funding up so that 1,000 new police officers could be hired. I wish that were the case. But what is interesting is that since the minister made that particular announcement and made that commitment to funding, there have been a number of communities that have come forward and said, "The fact of the matter is we're not going to be able to hire police officers with 50-cent dollars. It's not going to happen, and we're not going to be better off, and frankly, we're not even going to bother to use the government money because we don't have enough of our own to make it a reality."

You've got municipalities like Sarnia, where Mayor Mike Bradley said the program that was announced by Minister Kwinter will be too costly for the city to participate in, since the province is asking civic governments to ante up half of the cash for new officers. Bradley said that the plan would require his city to spend \$50,000 per officer. Damian Parrent, the Niagara regional police superintendent of executive services, said it will be hard for the Niagara region too to capitalize on this program. Here's a quote from him: "If we were to take advantage of any offer coming forth, the region would have to pay the other 50% of that amount to hire a police officer for that job." It remains questionable whether or not they have the financial resources to do so.

In Ottawa, the police services board chairman Herb Kreling said he doesn't think the city of Ottawa is in a financial position to hire more officers, even if the province picks up half the tab. He said to the Ottawa Sun, "The reality is today I have no provincial assistance, and

we don't have the affordability to hire the officers in 2005." In Timmins, Police Chief Richard Laperriere won't be embarking on a hiring spree any time soon either. He said of the government program which offers 50-cent police officers that it doesn't look very promising.

I had an opportunity to speak to some of the northern police chiefs when they were here at a lobby late last fall, and it became painfully evident to me that most, if not all, of the police forces across northern Ontario would not be in a position to hire, even those in major cities like Timmins.

Mississauga Mayor Hazel McCallion described the plan as a "form of downloading" if the province doesn't fully fund the new officers. We know that that's not what the province has in mind, that the province has made a decision to put on the table 50-cent dollars. So if that is the program that finally comes forward, I suspect we'll see any number of municipalities who will say very clearly to the province, "We can't afford to participate."

If I look at my own community, for example, because there has been a lively discussion about the hiring of new police officers at the local level, any new hiring for 2005 was put off because the province hadn't anted up the money they had promised. Indeed, there was concern around the council table whether, even if the province anted up 50 cents on the dollar, the city of Greater Sudbury would be in a position to hire new officers. In fact, this matter went to city council some time ago. There was a proposition to hire 15 new officers. That was quickly changed when it was very clear that the funding that was going to be allocated was 50-cent dollars. It went down to five for this fiscal year, and even that was put on hold, because none of the money has gone out the door.

2010

Where we are in our community is, frankly, a number of city councillors saying that there has to be a greater share of the costs covered by the province or the city will not be in a position to hire any new officers at all. We still don't know whether the government is going to do something other than what it has already announced, which is 50 cents on the dollar for new officers. If it doesn't, I suspect that even the city of Sudbury will not go forward and council will not agree that any more police officers should be hired because of the cost to the municipality.

So I think there are a number of communities, particularly across northern Ontario, whose special needs have to be recognized and have to be met. If the government truly wants to see new police officers hired, it is going to have to come to the table and put more than 50-cent dollars on the table, cover more than 50% of the cost if, indeed, municipalities, particularly in northern Ontario, are going to be in any position whatsoever to actually hire new police officers.

The government's grand announcement of 1,000 new police officers, of course, has not come to pass. It's very unlikely, unless there is a significant change in the funding formula, that it is going come to pass at all. I suspect that my municipality, most of the others in northern Ontario and I'll bet a whole number across southwestern Ontario, will not do any hiring at all, because they won't even bother to participate if the cost is 50-50.

I raise that because if you look at this legislation, there certainly is the proposition that you are going to have to count on, have to rely on additional police presence in order to make this bill work. I say again, I think most people in most municipalities would argue now that there's not enough of a police presence, that they want to see more. If the government doesn't ante up some of the funding to make that happen, you won't, and there won't be the police mechanisms in place to actually make this bill work.

Let me say in conclusion that I know the government has tried to portray this bill as big on their law-and-order agenda. I've got to tell you, I think there are a lot of people out there who would much rather see police resources used for domestic crimes, for violent crimes at home, for home invasions and those types of crimes that really seriously affect the personal security and the person of so many people. The government might want to say that this is big on the law-and-order agenda; I'm not sure that most folks out in the province would agree. Frankly, if there are no police to enforce it and make it effective, it's not going to be worth much in the end.

The Acting Speaker: Questions and comments? Further debate?

Mr. Kwinter has moved second reading of Bill 128. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Call in the members; this will be a 30-minute bell.

I have now received a notice from the chief government whip deferring this vote until tomorrow at the time set aside for deferred votes.

Orders of the day.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move adjournment of the House.

The Acting Speaker: The government House leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the ayes have it. This House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 2015.

CONTENTS

Tuesday 12 April 2005

SECOND READINGS

Labour Relations Statute Law

Amendment Act, 2005,

Bill 144, *Mr. Bentley*

Mr. Tascona.....	6187
Mr. Prue	6188
Mr. Baird	6188
Ms. Martel	6189
Mr. Runciman	6191
Mr. Dunlop.....	6192
Mr. O'Toole	6193
Vote deferred.....	6195

Law Enforcement and Forfeited

Property Management Statute Law

Amendment Act, 2005, Bill 128,

Mr. Kwinter

Mr. Tascona.....	6195
Mr. Prue	6195
Mr. O'Toole	6196
Ms. Martel	6196
Vote deferred.....	6199

TABLE DES MATIÈRES

Mardi 12 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois concernant les relations

de travail, projet de loi 144,

M. Bentley

Vote différé	6195
--------------------	------

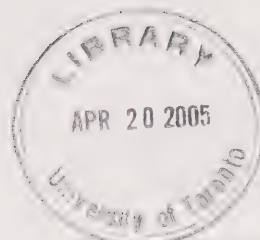
Loi de 2005 modifiant des lois en ce qui concerne l'exécution de la loi et l'administration des biens

confisqués, projet de loi 128,

M. Kwinter

Vote différé	6199
--------------------	------

1523
No. 128A



Government
Publications

N° 128A

ISSN 1180-2987

Legislative Assembly
of Ontario

First Session, 38th Parliament

Assemblée législative
de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 13 April 2005

Mercredi 13 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 13 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 13 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

EASTERN ONTARIO DEVELOPMENT

Mr. Norman W. Sterling (Lanark–Carleton): Later today, I will introduce a bill entitled the Eastern Ontario Economic Development Fund Act. This bill creates a special fund to assist all communities, except for the city of Ottawa, to the east of the greater Toronto area, which have historically lagged behind the rest of the province in growth, development and relative wealth.

Municipal governments in eastern Ontario have the same needs as or even higher needs than other parts of our province but do not have either the local tax base or the personal wealth of their citizens to provide for an adequate infrastructure. The Eastern Ontario Economic Development Fund Corp. would be mandated to invest in municipalities and businesses in eastern Ontario where the need is greatest. The local tax base, average annual income, and slower population growth statistics would determine the priorities of the corporation.

Like northern Ontario, most of eastern Ontario has not benefited from the significant growth experienced by the rest of our province. It is time for the government to recognize this fact and assist the municipalities in rebuilding their infrastructure and attracting new industry and jobs to this most important part of our province.

ROYAL CANADIAN LEGION

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): I rise in the House today to acknowledge the 75th anniversary of the Royal Canadian Legion Branch 170 in Uxbridge. In 1926, 14 World War I veterans from the Uxbridge area applied for a charter with the Canadian Legion, and in May 1930 a charter was granted.

In the beginning, they held their meetings in the old post office and above retail stores in Uxbridge. With more veterans joining after World War II, it was decided Uxbridge would build their own Legion. With approximately 100 members, branch 170 was built by volunteers in 1950, and rebuilt after a fire in 1953.

Over the next few decades, the Legion members became more active in the community, and membership climbed to 300 by the late 1980s.

I recently attended the 75th-anniversary celebrations, and Branch 170 is eager to let the community know how far they have come since those early years.

Youth theatre, poetry readers, and the cadets use the facility.

Their ladies' auxiliary will also be celebrating their 75th anniversary this year.

Formed in 1967, Uxbridge Branch 170's pipes and drums continues to be a teaching band sponsored solely by the branch.

Branch 170 has just paid tribute to four 55-year members and five 60-year members.

I would invite all members to join me, on behalf of the riding of Pickering–Ajax–Uxbridge, in congratulating Royal Canadian Legion Branch 170 and its president, Jack T. Ballinger, on this impressive milestone.

DOCTOR SHORTAGE

Ms. Laurie Scott (Haliburton–Victoria–Brock): I rise today to draw the attention of the House to a problem facing many of my constituents. As I've mentioned before, doctor shortages are a serious problem in the riding of Haliburton–Victoria–Brock. One of the problems that residents face when doctors retire or close their practices is what happens to the medical records of their patients and how expensive it is for patients to retrieve those records when they do finally find a new doctor.

In Minden, one of the doctors recently retired, and his patients have had to find new physicians in Bancroft and Bracebridge. When they try to have their medical records transferred, they find there's a huge cost associated with this.

This is something that Georgina Parkes found out. She had to pay \$122 to have her 50-page file transferred. That is \$2.40 per page. Patrick Scadden, another of my constituents, found out that it's going to cost him \$175 to transfer his records.

Haliburton county has the second-lowest average income in the province. A lot of seniors live in my riding. This is a significant cost for Gillian Frudenberg and other seniors to bear.

It's also hard for families. Lisa Farr has been told that it will cost \$300 to transfer the files for her family.

All of these people have had to find doctors outside of their communities, and in many ways, they are the lucky ones. But what is going to happen when Minden finally gets another doctor—and they will—and they are able to go to a doctor in their own community? Will they be hit with this charge again?

I would ask the minister to look into this matter on behalf of the many people across the province who cannot afford this extra expense.

I'd like to recognize John and Dana Aruda, and Tyson Sangster, whose birthday is tomorrow, who are up from my riding.

BLUE MAN GROUP

Mr. Rosario Marchese (Trinity-Spadina): On March 31 of this year, the Canadian Actors' Equity Association, the Toronto Musicians' Association—Local 149 of the American Federation of Musicians—and the International Alliance of Theatrical Stage Employees, Locals 58 and 822, announced the launch of a consumer boycott of Blue Man Group tickets. They were forced to do this because Blue Man Group producers have repeatedly ignored attempts to negotiate contracts with unions specifying base pay, benefits and defined working conditions.

As we all know, actors and musicians live on very little and their work is never stable and hardly ever permanent. Toronto actors, musicians and theatrical stage employees demand and deserve—and I agree with them—fair working conditions and decent wages.

Blue Man Group must respect labour standards if they want to produce in Canada. They are investing to put up and market the show. They now must invest in the performers and craftspeople. They are the show.

I ask the public to support this boycott and write to the producer, Blue Man Group, and demand that negotiations commence immediately.

TOURISM

Mr. Jeff Leal (Peterborough): Last year, the Greater Peterborough Area Economic Development Corp., with the help of a \$150,000 grant from the government of Ontario's Tourism Recovery Office of the Ontario Tourism Marketing Partnership Corp. and the Ministry of Tourism, launched what would be a spectacular advertising campaign called "A Million Miles Away is Just Down the Road."

This campaign was designed to attract tourists from within Ontario to Peterborough and the Kawartha and to assist with tourism recovery after SARS impacted the 2003 tourism season. Using a mix of television, radio, billboard and magazine advertisements, we targeted our campaign to our identified demographic, women ages 35 to 55.

On February 9, 2005, the Ontario Economic Development Awards took place at the Toronto Marriott Downtown Eaton Centre hotel. The Greater Peterborough Area Economic Development Corp. took top honours in the tourism advertising campaign category for the A Million Miles Away is Just Down the Road campaign. Congratulations, Peterborough.

1340

I'm very happy to announce that up until the flood, which has only sidetracked us for a moment, the Greater

Peterborough Area Economic Development Corp. had a 20% increase in tourism inquiries as a direct result of this campaign. The generous grant from the province of Ontario and the financial and undivided commitment from the city and county of Peterborough are the largest tourism promotional campaign since the launch of Peterborough and the Kawartha Tourism.

The Peterborough and Kawartha area is a four-season, five-star tourist destination. I'm proud to promote and help spread this message in any way I can.

HEALTH CARE

Mr. Robert W. Runciman (Leeds-Grenville): Over the last two weeks, the Premier and his ministers, no doubt on the advice of their high-priced guru Warren Kinsella, have been playing fast and loose with the facts around their illegal health tax.

People in good faith believed Dalton McGuinty when he looked into the camera during the last election and said, "I will not raise your taxes." But in his first budget, he broke that promise. Since then, he has broken many more. From his solemn pledge to fund the treatment of autistic children to his pledge that he would freeze hydro rates, the Premier has demonstrated that he simply can't be trusted. Each day he comes in here and plays the people of Ontario for fools.

The Premier's lack of a plan for health care has put the system the people of Ontario depend on in jeopardy. Just a week ago or so, his health minister said that hospitals will offer fewer services in the future, farther from home. This government is spending their illegal health tax dollars this year alone on fewer hospital services, firing nurses, and on buying back MRIs that were already providing services to patients with an OHIP card.

John Tory has made a commitment to return the money that has been taken illegitimately from the people of Ontario. John Tory will not take one cent out of health care. John Tory has promised to spend health care dollars wisely and get down to the real work of finding waste in government, something this Liberal government refuses to do. John Tory and the Ontario PC Party will replace your illegal health tax with a competent government that has a plan for health care.

MOHAWK COLLEGE

Ms. Jennifer F. Mossop (Stoney Creek): I would like to take a moment today to talk about the enhancement of apprenticeship programs at Mohawk College on the Hamilton Mountain. Hamilton is proud of its tradespeople, who have been, and remain, a dedicated part of the Ontario workforce, providing the backbone of Ontario's economy.

For my community, this government announcement will mean over \$2.1 million for modernizing and upgrading equipment at the college. We need to ensure that our colleges and universities are able to provide the best resources for our students, and this funding will help

our colleges achieve that goal by allowing students to train and study on current and relevant technology and equipment.

There is also an additional \$1.1 million in funding for the apprenticeship enhancement program. It's good news for the people of Hamilton and future apprenticeship students at Mohawk College. The announcement of additional funding for apprenticeship programs, both in Hamilton and across this province, demonstrates our government's commitment to Ontario's apprentices and our province's future, and to its future economic success.

I want to applaud the good work being done at Mohawk College to train and educate the next generation of hard-working tradespeople in Hamilton and across Ontario. Young people who consider a career in a skilled trade have a prosperous future ahead, and I'm proud to say that I represent an area that has produced so many of those great workers over the years.

These initiatives demonstrate a commitment to our tradespeople and to creating a more inclusive workforce for a strong economic future.

VAISAKHI

Mrs. Linda Jeffrey (Brampton Centre): I rise today to recognize an important day in the Canadian Sikh community. April 13 marks the 306th anniversary of Vaisakhi. It is one of the most important festivals in the Sikh religion, which was founded more than 500 years ago. Vaisakhi began as a harvest festival in the Indian state of Punjab. However, it gained another dimension when the 10th and last guru, Guru Gobind Singh, founded the order of Khalsa in 1699.

The Sikh religion has a worldwide following of over 20 million people and is ranked as the world's fifth-largest religion. Sikhism preaches a message of love, understanding, devotion, remembrance of God, truthful living and equality of mankind.

The first Sikh pioneers settled in Canada over 100 years ago, and since then, the Sikh community has become an integral part of Canadian society. Today, more members of the Sikh community call Brampton home than any other municipality in Canada.

To celebrate this occasion, gurdwaras across Ontario have organized various events, such as parades in Malton and Toronto. In fact, tomorrow I will attend official ceremonies at local gurdwaras in Brampton and the surrounding areas.

I encourage all members of this House to join me in celebrating this rich culture and important religion.

FEDERAL-PROVINCIAL FISCAL POLICIES

Ms. Deborah Matthews (London North Centre): Our Premier and the Liberal government have taken a bold stand for Ontario. We are fighting for a new deal for this province. Closing the \$23-billion gap will facilitate this new deal.

Today, we launched a Web site that lays out our cause in black and white. It's at strongontario.ca. I encourage the people of London North Centre and indeed all Ontarians to check out that Web site—strongontario.ca—to obtain a better understanding of the challenges Ontario faces because of the \$23-billion gap.

For example, Ontario welcomes 57% of all Canadian immigrants, but we get only 34% of the federal funding. The McGuinty Liberals want to help newcomers to Ontario, because everyone deserves a fair start. Newcomers to Ontario deserve equal access to opportunities.

Furthermore, everyone deserves fair and equal access to post-secondary education in Ontario. Closing the \$23-billion gap will help us to provide funding for post-secondary. This will help Ontarians move forward toward better jobs and a better future. This is the type of investment we are committed to, because we believe in the future of this province.

This is a message to the people of Ontario: You deserve a better deal. Contact your federal member and ask them why they are shortchanging Ontario. Why is a first-rate province getting second-rate service from the federal government? We deserve better and we'll stand for nothing less.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon. Alvin Curling): I beg to inform the House that today the Clerk received the report on intended appointments dated April 13, 2005, of the standing committee on government agencies. Pursuant to standing order 106(e)(9), the report is deemed to be adopted by the House.

STANDING COMMITTEE ON SOCIAL POLICY

Mr. Mario G. Racco (Thornhill): I beg leave to present a report from the standing committee on social policy and move its adoption.

The Clerk-at-the-Table (Mr. Todd Decker): Your committee begs to report the following bill as amended:

Bill 118, An Act respecting the development, implementation and enforcement of standards relating to accessibility with respect to goods, services, facilities, employment, accommodation, buildings and all other things specified in the Act for persons with disabilities / *Projet de loi 118, Loi traitant de l'élaboration, de la mise en oeuvre et de l'application de normes concernant l'accessibilité pour les personnes handicapées en ce qui concerne les biens, les services, les installations, l'emploi, le logement, les bâtiments et toutes les autres choses qu'elle précise.*

The Speaker (Hon. Alvin Curling): Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

INTRODUCTION OF BILLS

REGIONAL MUNICIPALITY OF PEEL ACT, 2005

LOI DE 2005 SUR LA MUNICIPALITÉ RÉGIONALE DE PEEL

Mr. Gerretsen moved first reading of the following bill:

Bill 186, An Act respecting the composition of the council of The Regional Municipality of Peel / Projet de loi 186, Loi traitant de la composition du conseil de la municipalité régionale de Peel.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr Gerretsen?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): To ministerial statements, Mr. Speaker.

1350

EASTERN ONTARIO ECONOMIC DEVELOPMENT FUND ACT, 2005

LOI DE 2005 SUR LE FONDS DE DÉVELOPPEMENT ÉCONOMIQUE DE L'EST DE L'ONTARIO

Mr. Sterling moved first reading of the following bill:

Bill 187, An Act to establish the Eastern Ontario Economic Development Fund Corporation / Projet de loi 187, Loi créant la Société de gestion du Fonds de développement économique de l'Est de l'Ontario.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr. Norman W. Sterling (Lanark–Carleton): This bill recognizes that the area of eastern Ontario, east of the greater Toronto area, with the exclusion of the city of Ottawa, has not benefited from the significant growth and the wealth and the prosperity that the rest of the province of Ontario has. It provides, like the northern Ontario heritage fund, special help to municipalities and businesses to grow the economic development of eastern Ontario.

I urge all members to support this very vulnerable part of our province. They need help in renewing their infrastructure, and they need help in attracting new businesses and jobs to this important area of our province.

CHILDREN'S LAW REFORM AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI PORTANT RÉFORME DU DROIT DE L'ENFANCE

Mr. Craitor moved first reading of the following bill:

Bill 188, An Act to amend the Children's Law Reform Act / Projet de loi 188, Loi modifiant la Loi portant réforme du droit de l'enfance.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry? Carried.

Mr. Kim Craitor (Niagara Falls): Shortly after my election as the MPP for Niagara Falls, I was approached by a number of grandparents, many of whom are here this afternoon in the members' gallery. They are grandparents who are concerned, they're caring, and they had difficulty in securing legal access through the courts to their grandchildren. I have since received hundreds of e-mails, letters and personal contacts with loving grandparents who find themselves in this tragic situation.

I am pleased to introduce a bill that would give recognition to the rights of grandparents where, in the opinion of the courts, this would be in the best interests of the child. My proposed legislation, if passed, will amend the Children's Law Reform Act to emphasize the importance of children's relationship with their grandparents.

STATEMENTS BY THE MINISTRY AND RESPONSES

ELECTRICITY SUPPLY

Hon. Dwight Duncan (Minister of Energy, Government House Leader): As you know, the McGuinty government is setting the pace as the only jurisdiction in North America that is committed to replacing coal-fired generation with clean, reliable and sustainable power. We are doing this because we want to protect the best interests of Ontarians by reducing harmful emissions and cleaning up the air we breathe.

As we move forward to clean up our air, our government is ensuring a reliable supply of energy to power our homes, schools, hospitals and businesses, because a reliable supply of electricity is what fuels Ontario's economic engine.

You may recall that, back in June, our government launched a request for proposals for 2,500 megawatts of new, clean generation and demand-side projects in order to help our government meet our commitment to replace coal-fired generation while ensuring a reliable, efficient and affordable supply of electricity. We took a new and innovative approach to this RFP by not only looking for proposals to build new generation capacity, but also by looking for proposals that would conserve electricity. We believe that a megawatt saved is every bit as good as a megawatt built.

We were extremely pleased by the enthusiastic response we received to our call for proposals. In total, we received 33 proposals representing over 8,800 megawatts of new capacity, more than three times the amount we were looking for. The RFP process ensures the most cost-effective projects are selected for the ratepayers of Ontario.

I'm pleased to announce today that Ontario will soon benefit from four new electricity projects representing 1,675 new megawatts of clean electricity, enough to power over 650,000 homes across this province. We are in the process of addressing outstanding contract issues with other selected proponents and will have more to say in the coming weeks.

The four new projects break down to include a highly efficient cogeneration project, two new combined-cycle natural gas-fired generating plants and an innovative conservation project put forward by Loblaw Properties, Ontario's third-largest consumer of electricity. All the projects announced today are expected to be in service by the end of 2007.

I'm also extremely pleased with the value for money that Ontario ratepayers will realize as a result of this highly competitive procurement process. While I cannot give specifics on prices until all the contracts are finalized with the other selected proponents, I can tell you that the generation projects we are announcing today are among the most efficient gas-fired plants currently operating in North America. No longer will the risks of developing new generation facilities in Ontario be borne squarely on the shoulders of Ontario's ratepayers and taxpayers, which in the past has resulted in tremendous debt that our government continues to deal with.

The process we have just completed has brought some new players onto Ontario's electricity scene. The successful outcome of this process is a strong sign that, on our government's watch, investors are regaining confidence in Ontario's electricity sector. The selected projects I am announcing today are expected to bring an estimated \$1.1 billion of new capital investment to Ontario. That means more jobs and significant spinoff economic benefits to our province. Indeed, this is good news for Ontarians.

Perhaps most significantly, the new electricity projects will address a significant portion of our government's commitment to replace coal-fired generation in Ontario, and that means significantly cleaner air for all Ontarians to breathe. The two projects near Sarnia will be sufficient to replace most of the capacity of the Lambton coal-fired generating station. We have already taken measures to ensure that the Lakeview generating station, the first of the five coal plants to be shut down, will close safely later this month. Our plans for the remaining three coal-fired plants will be announced shortly.

This is the second RFP process our government has concluded. In November, we concluded a request for proposals for 300 megawatts of clean, renewable energy. As a result of that process, shovels are going into the ground for 10 new renewable energy projects representing 395 megawatts of green power. These projects represent \$700 million of new investment in Ontario and will increase Canada's current installed wind capacity by a staggering 80%.

I'm proud of our government's record to build a clean, reliable supply of electricity, a supply that doesn't in-

clude coal. Replacing coal-fired generation with cleaner sources of energy will reduce emissions equal to taking eight million cars off our roads. In fact, by closing Ontario's five coal-fired stations, we would have to take off every passenger vehicle and every small truck in Ontario to get a similar reduction, particularly in greenhouse gas emissions. It will mean cleaner air, less smog and clearer skies. It will mean a better quality of life for Ontarians, for our children and for their children, and it will mean that Ontario will lead the way to show others around the world that indeed it can and will be done.

REGION OF PEEL

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): To further the McGuinty government's commitment to building strong communities across Ontario, I'm pleased today to introduce a bill that aims to bring more fairness of representation to the governance of the region of Peel. This bill, if passed, would also better balance the interests of the three lower-tier municipalities in Peel.

For decades, Peel has been one of Ontario's most effective and efficient regions. It is the first municipality in Canada to achieve the silver level in the Awards For Excellence from the National Quality Institute, the first government in Canada to be certified at level three in the institute's progressive excellence program.

1400

Today's proposed legislation would ensure that Peel has the tools it needs to continue to succeed in the future. Our government is working to help Peel's upper- and lower-tier governments work toward even greater service delivery efficiencies. Toward that end, the legislation I'm introducing today is designed, if passed, to help Peel regional council more realistically represent the population distribution of Peel region. In doing so, it will help to promote more balanced representation on regional council by all three municipalities. What is more, it will do so without unnecessary restructuring or the dismantling of the region.

Let me give you some background for our proposed legislation. The region of Peel is made up of three lower-tier municipalities: the city of Brampton, the town of Caledon and the city of Mississauga. In 2004, Brampton's population was approximately 380,000, Caledon's population was 55,000 and Mississauga's population was 689,000. With the current number of seats that each of these lower-tier municipalities has on Peel regional council, the distribution works out to an average of 63,000 people per regional councillor for Brampton, 69,000 people per regional councillor for Mississauga, and 11,000 people per regional councillor for Caledon.

Our proposed legislation, if passed, will help to make regional representation fairer for the people of Peel. Our proposed legislation would give Brampton one additional seat on regional council and Mississauga two additional seats. Average regional representation therefore would

work out to 54,000 per regional councillor for Brampton, 57,500 per regional councillor for Mississauga, and 11,000 people per regional councillor for Caledon.

As the numbers show, our government's proposal for Peel governance offers a fairer, more balanced approach to representation by population. Furthermore, it ensures that no single lower-tier municipality has voting control or a majority of the regional council. Our goal is to provide the certainty and resolution on governance issues that the municipalities in Peel region need. Our goal is to help those municipalities get on with what they do best: delivering services that help maintain a quality of life in Peel.

In conclusion, I want to thank the four heads of council—Mayor Morrison, Mayor Fennell, and Mayor McCallion, as well as Chairman Kolb—for their professionalism and co-operation throughout the process.

The Speaker (Hon. Alvin Curling): Responses?

ELECTRICITY SUPPLY

Mr. John O'Toole (Durham): Today's announcement really adds more smog to Ontario. Why would I say that? Clearly, their plan is not to replace the 7,000 megawatts of coal generation that is currently being taken off-line with their promise.

This announcement does nothing to answer four principal questions. Will you keep your election promise to cease coal production in 2007? The answer is no. Will you have an adequate, reliable source of electricity into the future? No. Will electricity be affordable for the people of Ontario? No. Do you have a plan? No.

There's nothing in this plan for the city of Toronto. There's no mention of the Portlands project. This means that jobs and the economy are at risk for the city of Toronto.

Perhaps, as the minister said, the most significant statement here is, what is the bottom line, the price to consumers of the province of Ontario?

The real mystery overall and the real fog here is that there's a code language statement called the net revenue requirement, the NRR. Pay attention to this language. It is code language that the government is going to—I should say, it's the consumers who are going to subsidize these investments.

The minister's announcement today isn't even collaborated by one of the bidders. If you look at the Calpine Web site, you'll see that even though the minister in his announcement committed that this power would come on-line by 2007, the Calpine announcement on their Web site shows they'll begin the project in 2005 and the commercial operation won't begin until 2008.

The minister has admitted here today that Nanticoke and the cessation of the use of coal as a generating power source is not on. It's another broken promise.

The consumers should be put on notice that there are higher prices in the future.

REGION OF PEEL

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to respond to the statement and the introduction of legislation from the Minister of Municipal Affairs and Housing. When it comes to municipal policy in this province of Ontario, the government says one thing and does the complete opposite. The Brampton Guardian has an expression for that. In their editorial they're calling that "Pulling a McGuinty." Certainly on this file, Premier McGuinty has taken a number of different positions.

In June 2004, the Premier said that his government would not be making any restructuring changes in Peel. In July 2004, the Orangeville Banner reported that the finance minister, Greg Sorbara, confirmed that municipal restructuring was not on the government's agenda. In fact the minister himself, in August 2004, then backtracked and said, "OK, restructuring is now on the table, but it must be based on a consensus of those involved." But in October 2004, the minister changed his mind once again and said that they're going to hire a facilitator to mediate a solution on restructuring. December 2004, the esteemed Justice Adams brought forward his report to give Mississauga two councillors and Brampton five. Well, they didn't flip-flop on the issue for three months, but they sat on it for three months and then again changed their minds and decided that after all, Dalton knows best and he is going to bring in his own solution.

We know that Brampton MPP Linda Jeffrey had affirmed in March of this year that the government would do nothing unless all three mayors agreed. Well, I guess she got overruled or didn't know what the minister was really thinking. Strangely, the members from Bramalea-Gore-Malton-Springdale, Mr. Kular, and Brampton West-Mississauga, Mr. Dhillon, are nowhere to be seen on this file. I think they're waiting to get their speaking notes from David MacNaughton and Don Guy. Then they will know what to say to the paper, but so far they have ducked it all.

Interjections.

The Speaker (Hon. Alvin Curling): Order.

Mr. Hudak: Here are the risks. The risk by this flip-flopping, this saying one thing and doing another, is the erratic signal it sends to municipalities. It will beg the question in areas like the region of Niagara, whether they are switching to a population-based system at the same time. Truly, by failing to find a consensus solution and going back and forth, Dalton McGuinty has prolonged and expanded a deep divide on council, taking considerable energy away from improving regional services like police and roads. In fact, the most recent scheme risks turning Peel council from what is considered to be a model council to a model of Dalton McGuinty himself: deadlocked, dithering and unable to make tough decisions.

The Speaker: Order. Before I ask for responses from the third party, I would like the same courtesy extended to the members who are responding as to the ministers who gave the statement. There is a lot of talk on the

government side. I now recognize the member from Beaches—East York.

Mr. Michael Prue (Beaches—East York): This minister has a very sorry record when it comes to dealing with municipalities. We saw first of all what you did to the people of Kawartha Lakes by completely rejecting their democratic vote after promising to obey what they had to say. Now we see how you completely ignore the recommendations of Mr. Justice Adams, who determined, I think quite rightly, that there were problems in Peel, but that your solution has gone nowhere to address them. He recommended that Mississauga and Brampton were both underrepresented, but his solution was far different from yours. He said to redress this he would give Mississauga two additional seats and Brampton five additional seats. You're OK with giving Mississauga their two—and I don't know why they can get their two—but you have completely underrepresented the people of Brampton, by 80% on what this learned justice had to say.

We don't understand why you're doing this, except that there must be some political pressure, either from your members from Mississauga who overruled the ones from Brampton, or perhaps from Mayor Hazel, who has more clout in your caucus than Mayor Fennel.

I want to tell you, you gave and the Premier gave Mayor Fennell of Brampton an unqualified statement that there would be no restructuring of Peel. You have gone back on your word. The people of Brampton participated in good faith and they have now been shafted by you, just as you shafted the people of Kawartha Lakes.

1410

ELECTRICITY SUPPLY

Mr. Howard Hampton (Kenora—Rainy River): I want to respond to today's embarrassing announcement by the Minister of Energy, and I want to point out why I think it's embarrassing.

With great fanfare back in September, the Minister of Energy said he was calling for 2,500 megawatts of new generation or demand-side measures. Then in December, with even more gusto and fanfare, he said there were 33 proposals for 8,800 megawatts. What do we see today? Well, you can barely make 1,500 megawatts. The McGuinty government couldn't even get enough respondents to meet the proposal of 2,500 megawatts, and this is their plan?

I also want to refer to the other embarrassment. The minister, when asked, "Will this result in the shutdown of a coal-fired station?" tried every which way to slide around that question, because the answer is no. He referred to Lambton. Lambton provides 1,950 megawatts. What did the minister announce today? Not 1,950 megawatts; barely 1,500 megawatts. No plan here to shut down a coal station, either.

What is this power? This is privatized power, privatized electricity. It is very expensive power, and when you read the fine print, it turns out to be overwhelmingly

American power. These are corporations some of which got into a lot of trouble in California. For example, the biggest provider of power in the McGuinty plan will be Calpine Corp.

This is what we consumers in Ontario need to know about Calpine. This is a public report. Calpine was at the absolute centre of the California deregulation storm. They calmly walked away with a fortune while California consumers re-mortgaged their homes and filed for bankruptcy in response to electricity rates that jumped, in some cases, up to 3,500%. In California, during the worst of the crisis of 2000, Calpine's profits soared 240%. Calpine earned 23% of total revenue from, ah yes, their partner Enron and their shared accountants, the infamous Arthur Andersen.

Minister, Calpine Corp. should be going to jail. Instead, the McGuinty government is going to bring them to Ontario as part of the McGuinty government's electricity plan. This is very expensive electricity. It's at least 10 cents a kilowatt hour wholesale. When you add on transmission charges, distribution charges and all the other new fees and profits, it's 14 cents a kilowatt hour retail. What does this mean to hard-pressed consumers? The hydro bill goes up. What does it mean for the pulp and paper industry and thousands of workers? It means the McGuinty government's going to put them out of work, because their hydro rates aren't going to come down; they're going to go up even more.

VISITOR

The Speaker (Hon. Alvin Curling): May I draw all members' attention to the members' gallery. In the west members' gallery, we have a former member from the 46th and 47th Parliaments, Doug Galt, from Northumberland. Let's welcome him.

Interjection: Who's that beside him?

The Speaker: By popular demand, the member beside him is from Lanark—Carleton.

DEFERRED VOTES

LABOUR RELATIONS STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS CONCERNANT LES RELATIONS DE TRAVAIL

Deferred vote on the motion for second reading of Bill 144, An Act to amend certain statutes relating to labour relations / Projet de loi 144, Loi modifiant des lois concernant les relations de travail.

The Speaker (Hon. Alvin Curling): Call in the members. There will be a five-minute bill.

The division bells rang from 1414 to 1419.

The Speaker: Would all members take their seats, please. All in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Flynn, Kevin Daniel	Patten, Richard
Bartolucci, Rick	Fonseca, Peter	Peterson, Tim
Bentley, Christopher	Gerretsen, John	Phillips, Gerry
Berardinetti, Lorenzo	Hoy, Pat	Pupatello, Sandra
Bountrogianni, Marie	Jeffrey, Linda	Racco, Mario G.
Bradley, James J.	Kennedy, Gerard	Ramal, Khalil
Brotten, Laurel C.	Kwinter, Monte	Ramsay, David
Brownell, Jim	Lalonde, Jean-Marc	Rinaldi, Lou
Cansfield, Donna H.	Leal, Jeff	Ruprecht, Tony
Caplan, David	Levac, Dave	Sergio, Mario
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Colle, Mike	Mauro, Bill	Smitherman, George
Cordiano, Joseph	McGuinty, Dalton	Sorbara, Gregory S.
Craiton, Kim	McNeely, Phil	Takhar, Harinder S.
Crozier, Bruce	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Mitchell, Carol	Watson, Jim
Di Cocco, Caroline	Mossop, Jennifer F.	Wong, Tony C.
Dombrowsky, Leona	Oraziotti, David	Wynne, Kathleen O.
Duncan, Dwight	Parsons, Ernie	Zimmer, David

The Speaker: All those against, please rise one at a time and be recognized by the Clerk.

Nays

Arnott, Ted	Jackson, Cameron	Prue, Michael
Baird, John R.	Klees, Frank	Runciman, Robert W.
Barrett, Toby	Kormos, Peter	Scott, Laurie
Bisson, Gilles	Marchese, Rosario	Sterling, Norman W.
Chudleigh, Ted	Martel, Shelley	Tascona, Joseph N.
Churley, Marilyn	Miller, Norm	Tory, John
Flaherty, Jim	Munro, Julia	Witmer, Elizabeth
Hampton, Howard	Murdoch, Bill	Yakubuski, John
Hardeman, Ernie	O'Toole, John	
Hudak, Tim	Ouellette, Jerry J.	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 57; the nays are 28.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. Christopher Bentley (Minister of Labour): I would ask that the bill be referred to the standing committee on social policy.

The Speaker: So ordered.

LAW ENFORCEMENT AND FORFEITED PROPERTY MANAGEMENT STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI CONCERNE L'EXÉCUTION DE LA LOI ET L'ADMINISTRATION DES BIENS CONFISQUÉS

Deferred vote on the motion for second reading of Bill 128, An Act to amend various Acts with respect to enforcement powers, penalties and the management of property forfeited, or that may be forfeited, to the Crown in right of Ontario as a result of organized crime, marijuana growing and other unlawful activities / Projet de loi 128, Loi modifiant diverses lois en ce qui concerne les pouvoirs d'exécution, les pénalités et l'administration

des biens confisqués ou pouvant être confisqués au profit de la Couronne du chef de l'Ontario par suite d'activités de crime organisé et de culture de marijuana ainsi que d'autres activités illégales.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

Interjection: Same vote?

The Speaker (Hon. Alvin Curling): It doesn't seem so. Same vote? No.

The division bells rang from 1423 to 1428.

The Speaker: Mr. Kwinter has moved second reading of Bill 128. All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gerretsen, John	Parsons, Ernie
Arthurs, Wayne	Hardeman, Ernie	Patten, Richard
Baird, John R.	Hoy, Pat	Peterson, Tim
Barrett, Toby	Hudak, Tim	Phillips, Gerry
Bartolucci, Rick	Jackson, Cameron	Prue, Michael
Bentley, Christopher	Jeffrey, Linda	Pupatello, Sandra
Berardinetti, Lorenzo	Kennedy, Gerard	Racco, Mario G.
Bisson, Gilles	Klees, Frank	Ramal, Khalil
Bountrogianni, Marie	Kormos, Peter	Ramsay, David
Bradley, James J.	Kwinter, Monte	Rinaldi, Lou
Brotten, Laurel C.	Lalonde, Jean-Marc	Runciman, Robert W.
Brownell, Jim	Leal, Jeff	Ruprecht, Tony
Cansfield, Donna H.	Levac, Dave	Scott, Laurie
Caplan, David	Marchese, Rosario	Sergio, Mario
Chambers, Mary Anne V.	Martel, Shelley	Smith, Monique
Chudleigh, Ted	Matthews, Deborah	Smitherman, George
Churley, Marilyn	Mauro, Bill	Sorbara, Gregory S.
Colle, Mike	McGuinty, Dalton	Sterling, Norman W.
Cordiano, Joseph	McNeely, Phil	Takhar, Harinder S.
Craiton, Kim	Meilleur, Madeleine	Tascona, Joseph N.
Crozier, Bruce	Miller, Norm	Tory, John
Delaney, Bob	Mitchell, Carol	Van Bommel, Maria
Di Cocco, Caroline	Mossop, Jennifer F.	Watson, Jim
Dombrowsky, Leona	Munro, Julia	Witmer, Elizabeth
Duncan, Dwight	Murdoch, Bill	Wong, Tony C.
Flaherty, Jim	O'Toole, John	Wynne, Kathleen O.
Flynn, Kevin Daniel	Oraziotti, David	Yakubuski, John
Fonseca, Peter	Ouellette, Jerry J.	Zimmer, David

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 84; the nays are 0.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): Mr. Speaker, I ask that the bill be referred to the standing committee on justice policy.

The Speaker: So ordered.

ORAL QUESTIONS

HOSPITAL SERVICES

Mr. John Tory (Leader of the Opposition): My question is to the Premier. In an effort to listen directly to the people of Ontario, we have invited Ontarians to submit questions, through our Web site, that they want answered by you and by your Liberal government. Many of those writing to us have already written to you, and

they've received back exactly the kinds of non-answers we're used to every day, so they can be welcomed to the club.

Ruthie Zaionz of Thornhill writes: "How exactly [does] Premier McGuinty intend to fulfill his promise to shorten the backlog for knee/hip replacement surgery? At the moment, it is a nine-month wait."

Premier, how do you respond to Mrs. Zaionz?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): My compliments to the writer of the question. I would argue that she's putting in doubt the writers of my colleague's questions.

Let me just say that we have, for the first time as a government in the history of this province, decided to move forward on reducing wait times. No government has ever taken that on. We started by commissioning a report which gives us some good, reliable baseline information. That has now been made available. That information indicated, by the way, that wait times got worse under the Tory government.

What we have done now, to begin, is invest \$107 million. Part of the return on that investment has been 1,680 more hip and knee replacement surgeries already.

Mr. Tory: I'm sure that Mrs. Zaionz is sitting at home, sympathetic to the fact that you gave me a lot of very interesting facts but didn't address, to any extent whatsoever, what has happened with the wait list for her. She has already had to wait four months to get a consultation, and now she has been told that she will have to wait another nine months for the knee replacement surgery.

Interjection.

The Speaker (Hon. Alvin Curling): Minister, I'd like you to come to order.

Mr. Tory: Her surgeon, who is the head surgeon at a major hospital in downtown Toronto, told her he is only allowed five hours of operating room time per week.

Premier, Ontarians like Mrs. Zaionz simply don't see any improvement in wait times, despite all of your talk and despite your illegal health tax. Given that hip and knee replacement is one of your priority areas, why does Mrs. Zaionz have to wait over a year for her surgery? Where's the improvement you talked about?

Hon. Mr. McGuinty: The honest answer is that it takes a long time to turn around the mess we inherited from a government that refused to dedicate itself to getting wait times down.

With respect to the issue of consultations, we've heard that in many instances, that was the result of a cap on the fees we were paying through OHIP to our specialists. The member will know that as a result of our new agreement with Ontario doctors, we are lifting that cap. That's going to result in a more rapid response to consultations.

Again, I would say to my friend, how is he going to help this particular individual by taking \$2.4 billion out of health care? How is that some comfort and satisfaction? You've got to make some tough decisions in this job. One of those is making an investment of \$2.4 billion. We've made that investment. It wasn't an easy thing to

do, but we believe it is the right thing to do. My friend may decide that he's going to take \$2.4 billion out of the system, but—

The Speaker: Thank you. Final supplementary?

Mr. Tory: I'd say the one who has some explaining to do is the Premier, who made one set of your so-called tough decisions to get yourself elected and then had another completely different set of decisions to make when you got here. It's a complete disgrace.

I would say to you that Mrs. Zaionz doesn't think it's right that she's being forced to pay your illegal health tax and then is told she's going to have to wait for more than a year to get her knee replacement surgery.

Interjections.

The Speaker: I would ask the members to come to order. I'm having difficulty hearing the leader of the official opposition.

Mr. Tory: The Canadian Medical Association released benchmark wait times for hip and knee replacements last week.

Interjection.

The Speaker: Order. When I stand up and have made an order, I'd like it to be respected. I don't want the heckling of the member.

Mr. Tory: The Canadian Medical Association released benchmark wait times for hip and knee replacements last week. When I asked you about those, you refused to commit your government to achieving those wait times. They recommend a total wait time, including the consultation and everything else, of nine months for routine cases and no more than 90 days for semi-urgent cases. Premier, will you commit to meeting those recommended wait times by the end of your mandate, for the sake of people like Mrs. Zaionz—yes or no?

Hon. Mr. McGuinty: I can tell you that there are a number of bodies that have been forthcoming with respect to their particular take and their particular advice when it comes to wait times. We will take that advice into consideration.

Let me tell you about some of the commentary that we have already received because of our work on wait times.

1440

Dr. Robert Bell, from Princess Margaret Hospital, said, "What would have been an eight- to 10-week wait for cancer surgery, wait for MRI scan and wait for an initial consultation and diagnosis have been reduced to less than three weeks."

Joe de Mora, president of Kingston General Hospital, says, "The new equipment means we will be able to serve patients through quicker processing while producing clearer images that will result in more rapid diagnoses, thereby reducing wait times."

Julia Dumanian, CEO of Cambridge Memorial Hospital, says, "The current waiting time of three months for outpatient elective scans will be eliminated."

We are making progress. We'd like to move more quickly, but given the terrible state of the foundation we inherited, it is unfortunately taking longer than we would have liked.

The Speaker: New question.

Mr. Tory: I have no idea whatsoever how the Premier can claim that there's any improvement taking place when he couldn't even answer last week where he started on the wait lists. Premier, your plan for reducing wait times looks like no plan at all. Last week, your Minister of Health said, "Hospitals will not be operating with as broad a range of services as they're tending to right now."

Premier, why are people paying your huge, illegitimate tax increase and yet being offered less service at the hospitals?

Hon. Mr. McGuinty: Again I say to the member, I don't understand, and neither do the people of Ontario, how taking \$2.4 billion out of Ontario's health care system is going to make our health care better for the people of Ontario. Let me say that so far, with respect to hospital funding, we have invested another \$1.7 billion. In total, we've invested in health care close to three billion additional dollars.

With respect to wait times, we've done something that is without precedent. We have commissioned a study to give us baseline information. Beyond that, we are also putting in place a health quality council that will report to Ontarians on an annual basis as to our progress. We've already put in place 1,680 more hip and knee replacements, 1,700 more cancer surgeries, 7,800 more cardiac procedures and 2,000 more cataract procedures. We are making progress, and we are determined to do more.

Mr. Tory: Doesn't it just tell Mrs. Zaionz and everybody else that you have done something without precedent—you've commissioned a study? Fantastic.

We heard some talk yesterday about Mr. Martin being out of touch. When you talk about the \$2.4 billion, what people out there are wondering is why they're paying your \$2.4 billion illegal health tax and yet getting less service. You've already cut out funding for eye exams, for physiotherapists and for chiropractors. In every single sense in the health care system, people are paying more and getting less.

Premier, last week your minister said, "We don't need to do hip and knee replacements in 57 different hospitals." Can you tell us which hospitals will be cutting out hip and knee replacement operations?

Hon. Mr. McGuinty: I think people want to know that if you take \$2.4 billion out of health care, what are the consequences of that? That is the solemn, unwavering, unequivocal commitment of Mr. Tory, and I think they're entitled to know what it means. It means shutting down 10 large hospitals. It means firing 6,000 nurses. It means shutting down 49 hospital MRIs. It means 5,000 fewer hip replacements, 6,000 fewer knee replacements, 5,000 fewer cardiac surgeries, 3,000 fewer cataract surgeries and 2,000 fewer radiation treatments. It means that 50,000 children will not receive their vaccinations, and it means shutting down, in short order, 20,000 long-term-care beds. That's what it means.

We've invested \$2 billion overall in health care; \$1.7 billion into our hospitals. We've reduced wait times,

we've increased volumes, we're rolling out our family health teams shortly and we've put in place funding for more than 3,000 new nurses. We've done a lot, and this is just the beginning.

Mr. Tory: The Premier obviously believes that the more times he reads that list, it might actually become true. It's totally preposterous and you know it.

Ruthie Zaionz has already waited over a year to have her knee replaced, and now—

Interjection.

The Speaker: Minister of Health, could you come to order, please.

Mr. Tory: Ruthie Zaionz is already waiting over a year to have her knee replaced, and now your health minister says there will be fewer hospitals offering the service. How does this fit with your plan to reduce wait times? It sounds like you're making it up as you go along. I want you to stand in your place today and guarantee Ruthie Zaionz that wait times will not increase for hip and knee replacements. Can you do that, that they will not increase? Guarantee it.

Hon. Mr. McGuinty: Of course. What we're talking about here is finding a way to bring about more efficient use of our limited health care dollars. We're finding a way to do so that does not compromise accessibility to health care, and we're finding a way to do it so that we can continue to reduce wait times.

I don't understand how my friend opposite could be against us finding a way to consolidate services and improve efficiencies. He wants to take \$2.4 billion out of health care. He wants to introduce more private health care. I mean, there's a clear, sharp, stark contrast. The people of Ontario should understand that.

We made a difficult decision to put \$2.4 billion more into their health care system. We put \$3 billion more into health care overall, \$1.7 billion more into hospital funding. We put in place funding to hire 3,000 more nurses. I have listed the thousands of additional volumes we found for surgeries. They want to take \$2.4 billion out of health care. They want to introduce more private health care. Therein lies the contrast for Ontarians to consider.

ELECTRICITY SUPPLY

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Premier. During the election, Premier, you promised ordinary Ontario families, "Your hydro will remain in your hands." You said, "We're going to build generation in the province of Ontario." Who? Ontario Power Generation, like we did for 50 or 60 years. That was the people's choice, Premier.

Today, you unveiled your so-called plan for future hydroelectric generation in the province of Ontario, and it clearly wasn't the people's choice. It's obviously President's Choice: private power, expensive power, American power and, unbelievably, public money for Loblaw's Corp. Premier, tell hydro consumers in the province, who are already paying for your broken promises, just how

much this private, expensive American power is going to cost them on their hydro bill.

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): The Minister of Energy.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Today we announced the ability to close down the Lambton coal-fired plant in a cost-effective, efficient and safe way.

Number 2, the member doesn't want companies like Loblaw's to turn down their power at peak time. He doesn't understand what demand response is. That's because his government cancelled all conservation programs. What happens with that proposal is that, when the power peaks at peak times, Loblaw's will save 10 megawatts, savings which will accrue to every ratepayer in Ontario. There will be a net savings to them. It's good public policy. It will result in lower prices for consumers in the short term and in the long term, and as Mr. Gibbons of the Clean Air Alliance said today, this is a very cost-effective way of bringing cleaner, more reliable energy on to Ontario's grid in a responsible fashion.

Mr. Hampton: I think it's clear now why the Premier ducked the question. He doesn't want to admit how expensive this power is going to be, and he doesn't want to admit that there's not enough new electricity supply here to shut down even the Lambton coal generation station, never mind Nanticoke coal generation station.

Premier, last summer, you promised 2,500 megawatts of new electricity. There's barely 1,500 megawatts of new electricity here. During the election, you guaranteed people. You said, "We will keep the rate of electricity at 4.3 cents a kilowatt hour." Now you've already raised it by 34%. Today your energy minister refused to answer the question: How much is this going to cost consumers, businesses, industry? So I'm going to ask you, Premier, again, how much is this going to cost hard-pressed industries like the pulp and paper industry, businesses and hydro consumers? How much is it going to drive up their hydro rate even more?

1450

Hon. Mr. Duncan: Again, I reject the presupposition in the question. First of all, hydro rates for the average consumer have gone up between 6% and 7%, not 34%, as he would have you believe. Wholesale market prices have gone down fully 19% since we assumed office.

I announced this morning, and I said again in my statement to the House today, that there are contracts, the final wording of which is being finalized with additional proponents. I expect that those announcements will be forthcoming very shortly and at that time we will provide the price information that was requested.

I would suggest that this project to bring on cleaner, more reliable forms of power as we move forward ought to be the thing that this province celebrates as we clean up our air, move to secure our supply of electricity and ensure that this province's electricity future is well managed. We are doing that, unlike the member opposite.

Mr. Hampton: The reality here is that even wholesale, this electricity is going to cost 10 cents a kilowatt

hour. The reason you weren't able to announce more generation today is because the other bids that you got are for even higher rates, and you don't want to admit to the people of Ontario how high this is going to drive the electricity bill. I repeat again, this won't even allow you to shut down the Lambton coal-fired station, never mind the big polluter, Nanticoke.

But what today really shows is that you haven't learned a thing from the deregulation fiasco in California. Who was at the centre of that? Calpine Corp., in partnership with those crooks at Enron and the crooked accountants, Arthur Andersen. And whom are you inviting into Ontario now as your saviour? Calpine Corp., after they racked up 240% profits in California while people were being gouged.

I say again to the Premier, you owe it to the hydro consumers of Ontario; you owe it to the paper mill workers who are already losing their jobs: How much more is this going to force up the price of electricity in Ontario?

Hon. Mr. Duncan: Again, the member opposite only gives half-truths in his statement. First of all, Calpine Corp., for members who are interested, operates—

Interjections.

The Speaker (Hon. Alvin Curling): Order. There was some unparliamentary language and I'd ask you to withdraw it.

Hon. Mr. Duncan: I will withdraw.

The member opposite doesn't provide the whole story. Calpine operates in 21 US jurisdictions and three Canadian jurisdictions. Calpine is part of the Standard & Poor's 500 Index. It has more disclosure requirements than any public utility in Canada. Calpine was caught up in the California situation, as was, by the way, BC Hydro. Subsequent to the member's diatribe, we just confirmed that in fact, after the crisis, Calpine came into the California market and brought on 3,500 megawatts of power very quickly.

The process we set up ensures that, unlike the NUGs agreement they entered into 10 years ago, which consumers are starting to pay for this year to the tune of two cents a kilowatt hour, they won't be stuck with the same kind of bill the NDP have left them well into the future.

The Speaker: New question?

Mr. Hampton: For the Premier again: One of the things you promised was a culture of conservation. But what did we get today? Public money for Loblaw's Corp. Here's the story from the insider's report: In the third quarter alone of last year, Loblaw's had a profit of \$258 million. Today, hydro ratepayers found out that they are going to be subsidizing Loblaw's Corp. on their hydro bill. No subsidy for low-income people who can't pay their hydro bill, nothing for paper mills and pulp mills that are closing, but Loblaw's Corp., with a quarterly profit of \$258 million, is now going to get a subsidy from hydro ratepayers. Premier, is this what you meant by a culture of conservation? You funnel money from hydro ratepayers to wealthy corporations like Loblaw's.

Hon. Mr. McGuinty: The Minister of Energy.

Mr. Duncan: The problem with a question like that is that no one's ever done this before.

Laughter.

Hon. Mr. Duncan: They laugh, but you know, they don't laugh when we're at peak demand times. They don't laugh when prices—and that's when prices are highest.

The Loblaws proposal is an outstanding example of what some of our large industrial users can do to contribute to solving some of our electricity supply challenges, not through the building of new generation facilities, but through innovative load shifting at critical times of peak demand that will benefit all ratepayers. I believe that if the member understood what he was saying, he would not have asked the question. Given the member's history and given the fact his party cancelled all conservation and demand-side initiatives, we shouldn't be surprised at how ill-informed the question is and how wrong its supposition is. This is a good proposal that shifts demand from peak time to less peak time, and will lower prices for all ratepayers in Ontario.

Mr. Hampton: It's the Premier who has been waxing on about a culture of conservation, and he wouldn't even answer that question. I want to say to the Premier, there must be a problem with your culture of conservation, because you've been telling people and you've been telling the media that as you raise electricity rates, hydro consumers and businesses will engage in conservation to save electricity and save money. Well, here is a very wealthy corporation that has the money to do it themselves, and yet you have to take money out of the pockets of hard-pressed hydro consumers to subsidize them. Premier, there must be something wrong with your theory. There must be something wrong when raising hydro rates by 34% doesn't drive Loblaws Corp. to engage in conservation. Instead, you have to take money out of the pockets of ordinary Ontarians and give it to a very profitable Loblaws. What is wrong with your theory, Premier?

Hon. Mr. Duncan: There's nothing wrong with the theory of demand-side management. The only thing the member doesn't understand is how it works. By shifting demand from peak time to low peak time, it saves money for all consumers because prices are highest at peak time. The NDP has been all over the board on this. As recently as March 2005, Marilyn Churley in a press release said the government should show leadership in promoting energy conservation and sustainability. Everyone agrees that this kind of proposal is exactly the kind of demand-side initiative we ought to be engaging in. It is just as efficient to save a megawatt of power as it is to build a megawatt of power. They don't understand it; they don't get it; we do. This is part of Ontario's future. It saves small consumers money time over time.

Mr. Hampton: I understand the need for electricity efficiency and conservation. I understand the low-income family that has a refrigerator that is not electrically efficient, that uses three times as much electricity as a

new modern refrigerator, and that that family could use a low-interest loan so they can take that old clunker in and buy a new electricity-efficient fridge.

I understand that paper mills and pulp mills that are laying off workers and shutting down have come to your government and said, "There's something wrong here. The Hydro dam down the river from us produces electricity for a cent and a half a kilowatt hour. Why are we paying six-and-a-half cents a kilowatt hour?" They need a plan. I'll tell you, Premier, Loblaws, with a quarterly profit last year of \$258 million, doesn't need public money. According to your strategy, they should be doing conservation on their own. I say, Premier, where is the conservation plan for low-income Ontarians? Where is the conservation plan for small businesses? Where is the conservation plan for school boards?

Hon. Mr. Duncan: The member opposite forgets that a year ago we passed Bill 100 and we incented local distribution companies a quarter of a billion dollars to implement those precise programs, and they're being set up all over the province. What did that member and his party do? They voted against it. They voted against the most sweeping conservation program in the history of the province of Ontario, and worse yet, when they were the government, they cancelled every conservation program that the old Ontario Hydro was operating. That member voted against the most sweeping program in the history of this province, one that will benefit low-income consumers and small businesses.

They are all over the board. They've got old, tired ideas that have been relegated to that side of the House for a long time. We are dealing with a major problem in a responsible way that benefits small and large consumers and will ensure this province's economic viability and competitiveness for years to come.

1500

MAGNETIC RESONANCE IMAGING

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): My question is for the Minister of Health. Minister, you promised the people of Ontario that you would reduce wait times for MRIs and that you would set maximum wait times for this procedure. However, the Ontario Association of Radiologists states that for 94% of patients, that wait time is inappropriately long, and 90% of radiologists say that you have made little or no progress in reducing those wait times.

Minister, what is an acceptable length of time for a patient to wait for an MRI in Dalton McGuinty's Ontario?

Hon. George Smitherman (Minister of Health and Long-Term Care): I find it interesting that the honourable member, who represents a party that was part of a government that left the Champlain district behind when it came to MRIs, would have the audacity to ask a question like that.

Which government in the province of Ontario has introduced two new MRIs in the Ottawa community for the constituents that the honourable member represents?

It's this government, led by that honourable member. Since we came to office, we've increased access to MRIs by 20%. Currently in Ontario hospitals, we're replacing seven MRIs and an astonishing 28 CT scans to further enhance capacity.

On the issue that the honourable member speaks about, wait times and what is appropriate, as the Premier said in answer to a question earlier, there is no established, agreed-upon wait time. But this weekend, working with all health ministers from across the country, we're working to deliver on the promises made at the first ministers' meeting after the Premier went and got us some extra money.

Mr. Yakabuski: I'd like to draw the minister's attention to a letter I received from a constituent of mine, Mr. Edward Evans from Arnprior. I might point out that you also promised to treat our seniors with respect and dignity. Mr. Evans is a senior and a World War II veteran who gave five years in service to this country.

An MRI for Mr. Evans was ordered at the end of February, and he is expected to wait until December 5 for this procedure at the Queensway Carleton Hospital. On top of that, Mr. Evans, a senior veteran, is paying \$544 in the McGuinty government's punitive health tax.

Mr. Minister, is this how you treat seniors and World War II veterans in Ontario with respect and dignity?

Hon. Mr. Smitherman: In answer to the honourable member's question, I am proud to stand and defend our government's record as it relates to seniors. The reality for any Minister of Health in our country is that the patients are our consumers, our customers, and the obvious reality is that those are disproportionately seniors. If you look at the investments we've made—the \$107 million that the Premier spoke about, hips and knees, cataracts, cardiac, cancer, access to the important diagnostic services of MRIs and CT scans—who are these services targeted at but our seniors? Add to that a \$200-million investment in long-term care to clean up a real big mess that you fellas left behind, and, in addition to that, \$103 million for enhanced service to home care, \$29.2 million for things like community supports, Meals on Wheels, drives to local appointments and all of that.

We are the government that is dedicated to improving the quality of health care for our seniors, exactly because of the emotion that the honourable member brought in his question.

DOMESTIC VIOLENCE

Ms. Marilyn Churley (Toronto–Danforth): I have a question for the Minister of Community Safety. Almost six months ago, Wyann Ruso walked into a Toronto police station, told them her husband was threatening to kill her and presented them with the gun she found. The police told her not to go home and that they would arrest him, but they never did get to it that day. Hours later, she was attacked with an axe and a hammer, and her husband has been charged with attempted murder. Then-police chief Fantino, now your emergency commissioner, publicly admitted mistakes were made and said the

matter would be investigated, but to date there is no evidence of that happening. Will you call for an investigation so we can find out what went wrong that day, so we can remedy it and make sure it never happens again?

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I thank the member for the question. You should know, and I'm sure you realize, that we as a government have really done a lot to deal with women in abusive situations. We've introduced ODARA, the minister has programs that are there, and we certainly understand the problem.

Having said that, in this particular case there are remedies that are out there. The police are conducting an investigation. I understand that the investigation has been completed. The results have not been released. The people representing the particular person—and I don't want to get involved with specific cases—have the opportunity of querying the police as to what the results of that investigation are. If they don't get a satisfactory answer, they can go to the Toronto Police Services Board and ask them. If they don't get a satisfactory answer there, then there is also the provision to go to OCCPS. All of these things are available and they're available without my intervention.

Ms. Churley: Minister, this was a very, very serious attack, and you're standing there and saying that there was an investigation and you don't know anything about it? Miss Ruso knows nothing about it. Her lawyers know nothing about it. Tell that to Miss Ruso today.

Under the Police Services Act, you can direct the Ontario Civilian Commission on Police Services to investigate matters you deem important. It's been almost six months since Wyann nearly lost her life, and she still doesn't have any answers. She has not heard from the police. She joined me in a press conference this morning and here's what she said: "I thank God I survived, and I will do anything I can to make sure no other woman has to go through what I did."

Minister, there is wide-spread concern that this is a systemic problem across the province. We need answers, and we need them from you, the minister responsible. I ask you again, will you call an investigation so we can get answers and Wyann Ruso can get answers?

Hon. Mr. Kwinter: Under section 25 of the Police Services Act, I have the ability to request, not to direct. I can't direct anybody to do anything under that act. I can request that they do it. But there are several other steps before I could even consider that. I've laid those out to you. You're asking me to supersede all of the procedures that are in place. You're asking me to make a decision based on information that is not available to me, and I'm saying to you there is a process in place. It is there and we are watching it very closely, but the parties have the ability to get redress before I have to make that request.

ELECTRICITY SUPPLY

Ms. Caroline Di Cocco (Sarnia–Lambton): My question is for the Minister of Energy. Today you an-

nounced four successful proponents in the government's request for proposal for 2,500 megawatts of new generation. Two of these projects, totalling 1,575 megawatts of new generation, will be built in my riding of Sarnia-Lambton. I know that the Premier and this government are committed to putting Ontario's electricity supply on a reliable and secure footing. Minister, what kind of impact will these two new plants have on the generating capacity of electricity in the province of Ontario?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Our government, under the leadership of Premier McGuinty, is moving forward to protect the interests of all Ontarians by ensuring a reliable, safe and adequate supply of electricity.

The 1,675 megawatts we announced today will allow us to close the Lambton coal-fired station and allow us, indeed, to help begin to clean up the air in this province. There will be \$1.1 billion invested in Ontario as a result of these four projects, which will create literally hundreds of jobs during the construction phase. There are unique cogeneration demand-side management programs in this successful RFP, which will benefit all consumers, especially small consumers, as Jack Gibbons of the Ontario Clean Air Alliance said today. So we're going to have lower-cost power and a much more reliable source of power, and all cost overruns will now be paid by private investors, not by electricity consumers.

We welcome his support of this initiative. We welcome the \$1.1 billion in investment in new, clean electricity, and we're glad that the people of Sarnia-Lambton are joining with us in support of cleaning up our air and land.

1510

Ms. Di Cocco: Minister, the Premier and our government have an ambitious plan to phase out coal-fired generating stations. Today's announcements will go a long way toward helping the government achieve our targets for reliable supply, while leading to cleaner air and a healthier Ontario. What other projects are currently in the works that will continue to help this government meet its commitment?

Hon. Mr. Duncan: After years of inaction, we have acted swiftly to bring new supply and conservation to Ontario. First, we completed a renewables RFP by signing contracts for 395 megawatts of renewable energy, an 85% increase in Canada's wind capacity. We announced the first four winning bids for a second RFP of 2,500 megawatts of clean energy and demand management. We approved the refurbishment of Pickering A unit 1, which as of today is on time and on budget. We approved the construction of the Niagara tunnel, a \$700-million project that will increase the capacity at Niagara Falls. We've announced a number of conservation initiatives, including a plan for smart metres, which will be in place in this province by 2010. Through my colleague, the Minister of Natural Resources, we announced a waterpower site release policy to encourage new hydro development, something neither the Conservatives nor the NDP did.

This government is now bidding on the lower Churchill, again to bring clean, renewable, sustainable electricity to

Ontario. This government is moving quickly and positively to address our energy situation.

GREENBELT

Mr. Tim Hudak (Erie-Lincoln): A question to the Minister of Municipal Affairs and Housing. Thomas Kugler is a Niagara-on-the-Lake farmer who wants to purchase a 22-acre plot of land to farm grapes. He has invested funds in new vines, and he has a commitment from Strewn Winery to purchase the grapes. But do you know what he found out when he went to the Niagara-on-the-Lake town council? Your greenbelt plan stops him from growing grapes and moving forward with his project. He still needs to level the land, do the tile draining and plant in time for June to grow his crop. Can you guarantee us today that your greenbotch scheme will not prevent this farmer from turning a fallow field into grape production?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): Once again, I would like bring to this member's attention the fact that we're not stopping anyone from doing agriculture on the greenbelt. The land he's talking about can be farmed immediately.

What we have done, and what we have said in order to protect good agricultural land for farming in the future on the greenbelt, is put certain limitations on the number of acres into which properties can be divided. The acreage in the greenbelt area, in the tender fruit belt area of Niagara, is 25 acres minimum. We have the best advice on that from the Ministry of Agriculture, from the agricultural advisory committee, who basically said you should not have property holdings of less than 40 acres in order to be viable economic farming entities.

But there's absolutely nothing about the land this gentleman or the member is talking about that it can't be farmed on the greenbelt, which is what we want to have happen there.

Mr. Hudak: A bit of a puzzling response from the minister. No doubt, this farmer, among others, will probably wonder, if he had a \$10,000 cheque for a fundraiser, would he receive a different answer?

Minister, you just said that the severance size must be 25 acres. Unless you've changed your policy and haven't announced it—your policy, as I understand it, is 40 acres. Fair enough.

Len Troup from the tender fruit growers, Ray Duc from the grape growers, Mayor Burroughs from Niagara-on-the-Lake, Mayor Hodgson from Lincoln, Peter Partington, chair of the region, grape growers and farmers have all said that the minimum acreage should be 25 acres or less. If they all said that, upon what scientific basis did you arbitrarily say it should be 40 acres?

Hon. Mr. Gerretsen: As a matter of fact, the member is correct. It's 40 acres. If I said 25 acres, I was mistaken; it's 40 acres. That's what's in the plan right now. The recommendation was 50 acres, but as a result of meeting with the various councils of the area, that's the number

we agreed upon so that viable farming could continue to be done within the tender fruit land areas.

What this member doesn't understand is that he's against the greenbelt. His party voted against the greenbelt. He doesn't want the greenbelt, but we are very proud of the fact that we've added a million acres of land to the greenbelt area so that it can be preserved for natural resource purposes and for agriculture in the future. But if the sizes of the farms simply become too small, on the best advice of the Ministry of Agriculture and of the advisory committee for agriculture that was set up, farming will simply become no longer viable. That's why we agreed it was going to be 40 acres in that particular area of the greenbelt.

ENERGY ASSISTANCE FUND

Mr. Michael Prue (Beaches–East York): My question is to the Premier of Ontario. Today your Minister of Energy announced big new plans to help private electricity providers make scads of extra money. In contrast, last year you created the emergency energy fund, a paltry \$2-million pot for Ontario's working poor to assist them when rising prices prevent them from paying their utility bills.

Premier, the Ministry of Community and Social Services Web site states that you will "provide help to low-income Ontarians, including social assistance recipients and people with fixed incomes, facing energy-related emergencies." Today my office called the city of Toronto, which administers the fund for residents of this city, and was told that social assistance recipients do not qualify. Social assistance recipients have had a 30% decrease in their real income since 1990, and they do not qualify. The working poor are not getting the money either. We need to know—

The Speaker (Hon. Alvin Curling): Time has run out. Premier.

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister of Energy.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I'm going to refer that to the Minister of Community and Social Services.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I appreciate the question from the member opposite, because it's important to note that in our government, for the first time, we understand that a policy shift in one area of the government may well impact on another part of the government. It's important that we prepare for that.

When we began looking at electricity policies, we started a year ago with the development of several features to help people of low income. The emergency energy fund was an important piece of that so that we can prepare in case people need additional help. Moreover, in my Ministry of Community and Social Services we have also expanded the definition so that people who are

working on the front line in our welfare offices and with our municipalities can get additional help, so that discretionary funds, for example, can today be used for things that will help mitigate the potential for people to be evicted because of high costs.

Mr. Prue: Madam Minister, we've heard today that Loblaws is going to get millions upon millions of extra dollars—a company that doesn't need it. But from your answer, it's quite clear that social assistance recipients are getting nothing from your fund. They do not qualify; they get nothing from the fund. They need the money so that they can pay the hydro, pay the rent and feed their kids. When are you going to let them in on this gravy train you're giving to Loblaws? When are you going to provide real assistance for our lowest-income families to pay for the hydro bills, instead of giving the money to private corporations that simply do not require it?

Hon. Ms. Pupatello: I appreciate the interest, because I believe this member does truly care about people who struggle. But can I just say very clearly: He is dead wrong. Let me just say today that what we have done is to develop an emergency energy fund to help people with higher costs who are low-income. Not just those on social assistance, but others as well.

Secondly, we announced a \$10-million provincial rent bank, right across the province, so that people could access assistance before they end up on the street.

Thirdly, we changed the definition of our discretionary fund to help people in advance of them ending up on the street. So don't come in the House and tell me—unless you've got the facts to back you, because we are telling you that we are preparing for people who need assistance.

Fourthly, for the first time in 12 years we have raised the ODSP rates and the OW rates by 3%.

1520

HEALTH CARE

Mr. Dave Levac (Brant): My question is for the Minister of Health and Long-Term Care. Minister, as of today, in breaking news, Mike Harris and Preston Manning issued a report from that right-wing conservative Fraser Institute, and it calls for the abolition of the Canada Health Act and allowing for privatization of health care. Minister, a very simple question: Where do we stand?

Hon. George Smitherman (Minister of Health and Long-Term Care): We came to learn at 2:55 today on Canada NewsWire that Preston Manning and Mike Harris have come clean, that they have established what the Conservative agenda is. This government stands in favour of the Canada Health Act. We stand as a government that moved forward the bill, the Commitment to the Future of Medicare Act, that affirms those principles. We're a government that seeks to build on the excellent work of Roy Romanow, as will be plenty evident when we launch our family health teams within just a few days.

What we have coming from Ottawa today is more evidence—while the Conservative agenda in Ottawa is no longer a hidden one, we ask a question to the Leader of the Opposition: When will you come clean on your agenda to privatize health services, more like the 407 and for your \$2.4-billion promised cut to health care?

Mr. Levac: Minister, I can only say to you, thank you very much, and thank you to Dalton and thank you for the Liberal government for supporting health care in the province of Ontario. Thank you for moving our ship in the right direction in the developments that you've created, and the fact that we're going to have that great health care.

I'm concerned that this report, combined with Mr. Tory's commitment to rip that \$2.4 billion out of Ontario's health care system, would point that ship in the back direction that we were coming from. Can you tell the Ontarians what the McGuinty government has done to protect the public health care system, reduce wait times and ensure that our citizens get the right health care that they deserve?

Hon. Mr. Smitherman: Ours is a government that this year has invested nearly \$3 billion in improvements to the Ontario health care system, in contrast to the commitment of the leader opposite to reduce health care spending by \$2.4 billion. We brought in a bill that strengthens the protections for medicare, that makes it less possible to have queue-jumping and two-tier medicine—things supported by the honourable member opposite.

The reality is that there are two contrasting positions in this Legislature: the position of our government as brought forward by the Premier, who spent so much time in his leadership role on the Council of the Federation, building consensus in the land and seeking additional resources for wait times. We're delivering on those promises made by the first ministers. This weekend we're working with health ministers from across the country, building on this great gift, the best expression of Canadian values—medicare—in contrast to Mr. Tory's \$2.4-billion cut.

FISHING LICENCES

Mr. Jerry J. Ouellette (Oshawa): My question is for the Minister of Natural Resources. As you're currently aware, Bill 155 is before the House, and let me make it perfectly clear that anything that would help children receive their entitled funds is something that is needed, and we support that. Minister, in regard to this legislation, certain individuals who are in contravention of the legislation will have their fishing licence suspended in the same fashion a driver's licence is. The difference here is that a police officer, when he checks a driver's licence, does a check on his computer in the police cruiser to find out if the licence is suspended. What happens in the case of a conservation officer who's on a lake checking a licence? How will they know, and how will the conservation officers enforce the legislation?

Hon. David Ramsay (Minister of Natural Resources):

How this is going to work is, there'll be communication between the Ministry of Community and Social Services and the Ministry of Natural Resources so that we will be informed as to those people who are no longer in compliance. Therefore, that will go into our records so our conservation officers will know that those people are no longer entitled to hold that licence.

Mr. Ouellette: How will a conservation officer in the field know whether that licence is under suspension? Once a suspension goes through, there's no enforcement in there that says that the licence has to be resubmitted to the ministry. So a CEO will take a look at it and find the date is OK, and he'll have no way to call in to verify whether it's going to be allowed or going to be under suspension.

Hon. Mr. Ramsay: Of course, as the member knows, I instituted the on-line issuing of licences. This is now all electronic data, through our Peterborough head office. So we have an electronic record and trail of all these licences. Also, our conservation officers, as you know, are linked by satellite communications in the field. There's two-way communication from our Sault Ste. Marie office. So all that information can be downloaded to the conservation officer in the field.

HYDRO RATES

Mr. Peter Kormos (Niagara Centre): To the Premier: Across Ontario, workers and their families are suffering because of your private, for-profit hydro policy. You see, they're losing their jobs because industries that are major power consumers are shutting their doors, not just across northern Ontario, but in the south as well.

Niagara Centre: Atlas Specialty Steels—gone; St. Catharines: Ferranti-Packard—gone; Erie-Lincoln: Fleet manufacturing—gone; Niagara Falls: Carborundum—gone. These are good-paying, value-added manufacturing jobs that rely upon inexpensive hydroelectricity. They can't afford the McGuinty for-profit energy prices. What are you going to do about it?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Minister of Economic Development and Trade.

Hon. Joseph Cordiano (Minister of Economic Development and Trade): I can tell the member that, in fact, investors are giving us a vote of confidence, and I can tell you who's been adding investment to this province. Quite the contrary to what the member is saying, we have a long list. So please listen.

Ritz-Carlton today announced that it's building a \$300-million complex in Toronto, creating 1,500 new construction jobs and 500 permanent jobs. Great Wolf Lodge is investing \$200 million to build a resort in Niagara Falls, adding hundreds of new jobs. Bell Security Solutions is adding 200 jobs, divided between Ottawa and Toronto. NOVA Chemicals is investing \$260 million to modernize its operations in Corunna. Harmony Logistics is investing \$96 million in a Pickering facility,

increasing employment by 130 jobs. The Sutherland Group is hiring 250 new staff in Sault Ste. Marie.

The economy is proving to be resilient. There are challenges, no doubt, but new investments are being made all the time. Ontario is a positive place to invest.

Mr. Kormos: Twenty service sector jobs don't make up for one value-added manufacturing job, those wealth-creation jobs that are part of our traditional industrial base. I repeat again, in Niagara alone, Fleet manufacturing of Erie-Lincoln—gone; Ferranti-Packard, St. Catharines—gone; Carborundum, Niagara Falls—gone; Atlas Specialty Steels, the only stainless steel manufacturer of its quality in Canada—gone—because of your electricity policy, because of your unaffordable electricity prices.

Ontario's major power consumers can't afford your electricity policy. So I'm going to ask you once again, what are you going to do about the hit the Ontario industry is taking because of your government's hydro policies? Time's running out.

Hon. Mr. Cordiano: I can tell you that Suzuki, bringing the CAMI plant up to full production, is here to stay, creating hundreds of new jobs and, as a result, that facility is going to be fully operational and working at full capacity. Stackpole: 350 jobs are being created in Ancaster, so they're coming to Ontario. Polymer, based in Cambridge, is working with the University of Waterloo on new products in the auto sector; Meikle Automation of Kitchener is increasing its workforce.

There are countless, numerous examples of investments being made in Ontario and, dare I say it, new investment in the auto sector: \$1 billion from Ford last fall, the \$2.5-billion investment made by GM. These are all votes of confidence in the province of Ontario and our economy, and many new jobs are to come. That's right. There were 500 new jobs announced at the GM plants, and many new jobs are being created all the time.

1530

CONSUMER PROTECTION

Mr. Peter Fonseca (Mississauga East): My question is for the Minister of Consumer and Business Services. Protecting consumers and my constituents from fraud is a priority for me and for our government. Many of us have had first-hand experience with negative-option billing—I know the Leader of the Opposition is a big fan of negative-option billing—fly-by-night salespeople and fine print on contracts that hides the true cost of a transaction. I am told the Consumer Protection Act will come into force this July and will finally put an end to these practices. Minister, how is our government working with the business community to ensure that the laws outlined in the Consumer Protection Act are met?

Hon. Jim Watson (Minister of Consumer and Business Services): The preamble from the honourable member for Mississauga East about negative-option billing—given the pummelling the leader of the Conservative Party received today, it's not even sporting to talk about negative-option billing, so I'll pass on that comment. But I am very proud of the Consumer Protection Act and the

legislation that will come into effect, I'm pleased to announce, on July 30 of this year.

What we have been doing since the legislation received royal assent is notifying stakeholders. We've had consultations with hundreds of business organizations and consumer groups across Ontario. Tomorrow, I'm very proud that I will be participating, along with officials from our ministry, in a live Webcast at 10 o'clock in the morning that will allow business and community groups and residents of Ontario to fully understand the implications of the new consumer protection laws in Ontario. It's tomorrow at 10 a.m. at our Web site, cbs.gov.on.ca.

Mr. Fonseca: Thank you, Minister, for that wonderful information. It's great to hear that all the measures are being taken to ensure consumers are fully protected. I recall when Bill 70 was being passed, way back in November, some members of the opposition over there even questioned the need for this legislation. I'll let you know that many of the constituents in my area, in particular the seniors, have said that they've been solicited by these fly-by-night companies, and something had to be done. I'm so happy to hear you're pushing for this type of protection. Minister, when will this much-needed legislation come into force, and how will my constituents and consumers across this great province of Ontario be informed of their new rights?

Hon. Mr. Watson: As I indicated, July 30 is the proclamation date of the Consumer Protection Act. I want to outline for the member from Mississauga East, who has had a particular interest in consumer protection issues, that the act, once proclaimed, will lengthen and create new cooling-off periods, allow for heavier penalties for dishonest activity, make full-cost disclosure of leases mandatory, especially important for the payday lending industry, which I know my colleague from Toronto is interested in, and outlaw negative-option billing and the unilateral amendment of consumer contracts by business. This is a piece of legislation I'm looking forward to proclaiming. It's part of the McGuinty government's program to ensure that consumers in Ontario have the best and strongest consumer protection legislation in the entire country.

PETITIONS

ANTI-SMOKING LEGISLATION

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have a petition from Cathy Gibson and the Owen Sound Legion. I have quite a few petitions here.

"To the Legislative Assembly of Ontario:

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities as well; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I've also signed this petition.

PHYSIOTHERAPY SERVICES

Mr. Brad Duguid (Scarborough Centre): I've got a petition here signed by a number of people who have gone to Scarborough Hospital for services. It reads as follows:

"As a person who has used or has had a relative or a friend use the outpatient physiotherapy and occupational therapy department at the Scarborough Hospital general campus, we're very concerned that the hospital is considering closing the physiotherapy and occupational therapy outpatient department. There's a shortage of this calibre of services in our community. We feel that the therapy department must be kept open for the following reasons:

"(1) It has served the rehabilitation needs of patients in the Scarborough community for over 40 years, and it continues to provide therapy services in acute areas such as fractures, trauma, joint surgeries, plastic surgeries and sports injuries;

"(2) It provides a high-quality standard of care, with excellent accessibility to the surgeons, the specialty clinics and the rest of the hospital;

"(3) It provides immediate rehabilitation care, which allows for decreased hospital stays; and

"(4) It provides expertise and treatment for patients from infancy to geriatrics."

I'm pleased to read this petition, and I'll certainly add my name to it.

I'm also pleased to say—which will be of interest to you, Mr. Speaker—that I've just come from Scarborough Hospital, where we made a \$30-million announcement for their emergency and acute care centre.

LANDFILL

Mr. Toby Barrett (Haldimand-Norfolk-Brant): This is entitled "Halt Edwards Landfill."

"In regards to the proposal to amend the fill rate for the Edwards landfill site on lot 24, Brooks Road, in Cayuga, Ontario, to 500 tonnes a day...,"

"Whereas there has been improper notification and input from adjacent landowners and concerned citizens; and

"Whereas there exists a high probability of contamination of Pike Creek and Oshwego Creek, which feed eventually into Lakes Erie and Ontario; and

"Whereas there will be considerable negative impact on breeding birds and rare wildlife that live in the surrounding north Cayuga slough forest; and

"Whereas the county of Haldimand sees no benefit to this proposal;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Halt the plans to develop the Edwards landfill site for landfill purposes."

I sign my petition.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I've got a petition here signed by some members of the Penfold family on Harvey Crescent in Erin Mills. It reads as follows:

"Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools, be it therefore resolved that

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

I'm in support of this petition. I'll sign my name to it and ask Jean to carry it for me.

VOLUNTEER FIREFIGHTERS

Mr. John O'Toole (Durham): Thank you very much for the opportunity to present this petition on behalf of my constituents in the riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas many volunteer fire departments in Ontario are strengthened by the service of double-hatter firefighters who work as professional, full-time firefighters and also serve as volunteer firefighters on their free time and in their home communities; and

"Whereas the Ontario Professional Fire Fighters Association has declared their intent to 'phase out' these double-hatter firefighters; and

"Whereas double-hatter firefighters are being threatened by the union leadership and forced to resign as volunteer firefighters or face losing their full-time jobs, and this is weakening volunteer fire departments in Ontario"—and indeed in my riding of Durham—"and

"Whereas Waterloo-Wellington MPP Ted Arnott"—who is here today—"has introduced Bill 52, the Volunteer Firefighters Employment Protection Act, that would uphold the right to volunteer and solve this problem concerning public safety in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government express public support for MPP Ted Arnott's Bill 52 and willingness to pass it into law or introduce similar legislation that protects the right of firefighters to volunteer in their home communities on their own free time."

I'm pleased to sign and endorse and support this petition and indeed Bill 52, which is important in my riding of Durham.

1540

ANAPHYLACTIC SHOCK

Mr. Kim Craiton (Niagara Falls): I'm pleased to introduce the petition on behalf of NASK in my riding.

"To the Legislative Assembly of Ontario:

"Whereas there are no established province-wide standards to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

Therefore, be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic program."

I'm pleased to sign my name to support this petition.

OPTOMETRISTS

Mr. Ted Arnott (Waterloo-Wellington): I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the last funding agreement between the Ministry of Health and Long-Term Care and the Ontario Association of Optometrists expired March 31, 2000; and

"Whereas the optometric fees for OHIP-insured services remain unchanged since 1989; and

"Whereas the lack of any fee increase for 15 years has created a crisis situation for optometrists; and

"Whereas fees for OHIP services do not provide for fair or reasonable compensation for the professional services of optometrists, in that they no longer cover the costs of providing eye examinations; and

"Whereas it is in the best interests of patients and the government to have a new funding agreement for insured services that will ensure that the most vulnerable

members of society are able to receive the eye care they need;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care resume negotiations immediately with the OAO and appoint a mediator to help with the negotiation process in order to ensure that optometrists can continue to provide quality eye care services to patients in Ontario."

It's signed by a significant number of our constituents in Waterloo-Wellington, and I've affixed my signature as well.

HEALTH CARE FUNDING

Ms. Laurie Scott (Haliburton-Victoria-Brock):

"To the Legislative Assembly of Ontario:

"Whereas the federal Income Tax Act at present has a minimum amount of medical expenses for which a taxpayer is entitled to claim a non-refundable income tax credit;

"Whereas the health and medical expenses of every citizen in the province of Ontario, great or small, affect their overall net income;

"Whereas the Ontario Liberal government moved in their 2004 budget on May 18, 2004, to delist publicly funded medical services such as chiropractic services, optometry examinations and physiotherapy services;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Income Tax Act remove the present minimum amount of medical expenses for which an Ontario taxpayer is entitled to claim a non-refundable income tax credit."

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to bring forward petitions on health care signed by folks here in Beamsville, Jordan and St. Anns, in the riding of Erie-Lincoln, that read as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Dalton McGuinty Liberals promised a health care system that gives us all the care we need when we need it; and

"Whereas chiropractors, optometrists and physiotherapists provide the necessary health care to the people of Ontario to maintain healthy and active lifestyles;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should keep their promise to invest in health care and restore funding to cover optometry, physiotherapy and chiropractic care under OHIP."

In support, my signature.

ONTARIO FARMERS

Mr. John O'Toole (Durham): It's my pleasure to present a petition to the Legislative Assembly of Ontario on behalf of my constituents in Durham.

"Whereas thousands of Ontario farmers and rural Ontarians have been forced to take their concerns directly to Queen's Park due to a lack of response from the Dalton McGuinty government; and

"Whereas the Rural Revolution believes that rural Ontario is in crisis due to lost property rights and crushing regulatory burden"—and they have been demonstrating their resolve and determination at Queen's Park during March;

"Therefore we, the undersigned, ask the Legislative Assembly of Ontario to consider the issue of municipal jurisdiction brought forward by the Rural Revolution's resolutions to respect property rights and prosperity as follows:

"Resolution number 5: Municipal governments shall be constituted to take control and jurisdiction over matters that pertain to their constituents.

"Resolution number 9: All municipalities forced or coerced with amalgamations shall hold a binding referendum on de-amalgamation at the next general election."

There are a number of other concerns, and I will sign this in support of the work done by rural Ontario and my constituents.

CHIROPRACTIC SERVICES

Mr. Ted Arnott (Waterloo-Wellington): I have another petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas,

"Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

"There was no consultation with the public on the decision to delist chiropractic services;

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system, government and the province."

It's signed by a number of my constituents, and I have affixed my signature as well.

STUDENT SAFETY

Mr. Jim Flaherty (Whitby-Ajax): I have a petition to the Legislature of Ontario.

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I have affixed my name.

PIT BULLS

Mr. John O'Toole (Durham): I'd like to present yet a third petition on behalf of the riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas aggressive dogs are found among any breed or crossbreed; and

"Breed-specific legislation and breed bans are not effective solutions to the problem of dog attacks; and

"The problem of dog attacks is best dealt with through a comprehensive program of education, training, and legislation encouraging responsible ownership of all breeds;

"We, the undersigned, petition the Legislative Assembly of Ontario to refrain from enacting"—it's unfortunate; this is already done—"provincial animal control legislation that is breed specific, and instead implement a comprehensive bite prevention strategy that encourages responsible ownership of all breeds."

I'm sad to tell the people of Ontario that this petition is too late, but the sentiment is still true.

CHIROPRACTIC SERVICES

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to present a petition signed by Kevin McNeil from Beamsville and Paul and Willie Matthews of South Grimsby Road 18 that reads as follows:

"To: Legislative Assembly of Ontario

"Re: Support for chiropractic services" under OHIP:

"Whereas,

"Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

"There was no consultation with the public on the decision...;

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of the public, patients, the health care system..."

And in support, my signature.

1550

OPPOSITION DAY

HOSPITAL FUNDING

Mr. John Tory (Leader of the Opposition): I move that the Legislative Assembly call upon the government,

To ensure Ontario's hospitals are given adequate, stable, multi-year funding to meet the needs of patients as promised by the Liberal Party of Ontario in the 2003 election and again promised in the McGuinty government's May 2004 budget, and

That hospitals are provided with funding allocations within the first month of the fiscal year so they can properly plan to meet the government's deadline for balanced budgets by March 31, 2006, and

That no nurses will be fired as a result of budgetary constraints for the remaining term of office of the McGuinty Liberal government, and

That waiting lists for medical procedures in hospitals under any circumstance will not increase as a result of the Ministry of Health's approved balanced budget plans for hospitals.

I think it's agreed upon by people on all sides of the House that we owe it to the people of Ontario to provide the best health care system possible. But a good health care system has to be a stable health care system. Many of us would not find it acceptable to go and have surgery and have the surgeon just kind of open you up with the scalpel and then sort of go inside and make it up as he or she goes along. It's just what appears to be happening in the health care system right now. The surgery that's being done is, make the incision and then make it up as you go along. That's the way they're dealing with the system.

There is no plan. This is not an opinion as much as it's an observation, and it's not an observation being made by me or by members on this side of the House alone; it's one, more importantly perhaps, that is being made by doctors, nurses, hospital workers, patients, administrators and those who write about health care issues.

Let's just talk about a couple of examples, if we can. Last year, the Liberal government refused to tell the hospitals of Ontario how much money they would be getting until 11 months had gone by in the fiscal year. I wonder whether anybody in this assembly or anybody watching at home or anybody operating a business or any family in Ontario could manage their own lives or manage their own financial plans if they weren't told

what their income would be until the end of the year. That is exactly how this McGuinty Liberal government is managing hospitals and, by extension, the thousands of lives that are dependent upon our hospitals across the province of Ontario.

On top of all of that, of course, we ended the fiscal year just a few days ago with the hospitals having accumulated \$330 million in deficits, for which the Liberal government has no answer whatsoever as to whether they're going to do anything or something, or anything in between. There's just no answer. This, of course, totally ignores the fact that this is borrowed money. This is borrowed money that is ultimately going to have to be repaid by those hospitals. It's borrowed money that has used up their lines of credit, and it is borrowed money that they simply have to pay back. They're going to rely, to some extent at least, on having some word from this government as to how they're going to go about doing that.

When a hospital administrator at Sick Kids Hospital complained about this way of going about the business of running our hospitals, trying to do it in the right way, the responsible way, the sensible way, the government created a climate of fear. That person, as I recall, lost their job, and it led to the Ottawa Sun writing the following: "If the top executives at Sick Kids can be silenced, then no hospital is immune—not CHEO, not the Ottawa Hospital, not the Monfort, not the Queensway Carleton—to what many are now describing as political thuggery." That's what the Ottawa Sun said. You know, they talked about the Ottawa hospitals; they might just as well have been talking about every hospital in this province, because as I've gone about visiting many of them, there is no question that there is an environment of intimidation about speaking up and being heard on these kinds of things.

There is also a very strong feeling on the part of all of them that they just don't have the answers they need. They don't know what funding they're getting for this year. In some cases, they still don't know what funding they're getting for last year. They don't know what is being done about their accumulated deficits. It just goes on and on. Nobody could describe this manner of operating the health care system as being at all sensible or businesslike.

Here we are now 13 days into the new fiscal year, two weeks into the new fiscal year, and no word from this government whatsoever on how much money these hospitals will have to work with through the course of this year. What kind of planning does that promote? What kind of advanced planning and careful work does that promote in terms of budgeting and being able to make some of the tough decisions the Premier spoke so proudly about this afternoon? He should have made a lot more tough decisions, I would suggest, before the election last time, instead of pretending to make them now.

So the result we have is \$330 million in accumulated deficits, 757 nurses and counting who have lost their jobs

and a continuing kind of uncertainty that just doesn't allow for any of the kinds of improvements that the government and others talk about so frequently.

I was having a look at the health care platform of the Liberal Party of Ontario. Talk about something that's going to cause illness in the province, that's one to really make you wonder. On page 2, they said the Conservative government of the day "believes in better access for those who can afford to pay," while saying that the Liberals "have a plan for better health care—for everyone." Except when they got into office, as with so many other areas—we've seen it in so many other places—they did exactly the opposite. Eye examinations, physiotherapists, chiropractic examinations: Those services are now for those who can afford to pay.

On the subject of being able to afford to pay, we have the Liberal government of Dalton McGuinty charging the average Ontario family \$1,000 more for health care, in total, through the so-called health tax and the various other measures they've introduced. Some of the people of Ontario might have said—I don't think very many—after they were betrayed in this manner in terms of what they were told during the election, "Well, if we got a lot better care, a lot more care, a lot faster care," maybe there would have been a few who would have said, "I'll get over the betrayal." But in fact what are they getting? They're paying more, which they were told they would not have to do, and they're getting less: no eye exams, no chiropractors, no physiotherapists, waiting lists that are at best the same and probably longer in many cases, and the list goes on and on.

On the same page—I'm not even off page 2—of the Liberal health platform, they said they would "protect and improve universal public medicare." Well, we know, like so many other things they said, and in particular so many things this Premier said during the course of the election campaign, it didn't happen. We know it didn't happen because they delisted chiropractic services, physiotherapists and eye examinations. That's number one.

Number two, they promised to "shorten waiting times." When we ask a straightforward question about how long the waiting lists were when they started to try and shorten them, which they haven't done, they can't even tell us where the waiting lists started. They can't even tell us that. It is absolutely impossible to manage when you don't have the information.

I heard the Premier say today that it was one of the great days in Ontario health care history when they commenced a study to design a Web site.

Interjections.

The Acting Speaker (Mr. Michael Prue): Please, there's a lot of heckling going on here. I would ask that you pay attention.

Mr. Tory: Mr. Speaker, it causes me to reflect from time to time on whether it's the Premier who is instructing these people to heckle or whether he just can't control them, but that's a subject for another day. We'll talk about that another day.

In the same platform, they said they're going to "provide better care at home, in hospitals and communities," which did not happen and is not happening, and all you have to do there is ask any doctor, any nurse, any hospital or any patient. It's just not happening.

I want to address, in conclusion, perhaps the biggest irony of all—and I'm not even off Dalton McGuinty's introductory note to his health care platform yet, although it did make me queasy just getting that far along in it—and that is that in the message it had the following quote: "We will make the health care system answer to you." That's what Mr. McGuinty said. So on March 29, I thought, "Well, he said he's going to make the health care system answer to you"—I knew he didn't mean me; I knew he meant the people of Ontario. So I got up on March 29, my first day here in this place, with two days left in the fiscal year, and I asked him a very straightforward question on behalf of beleaguered hospitals. I asked if he would simply tell the hospitals of Ontario what their budgets would be so they could begin planning in a responsible, businesslike manner.

Did the Premier on that day make the health care system answer to the hospitals? No. He refused to answer the question. I'm not sure why he refused. I'm not sure, because every time he refuses to answer, which is all the time, I would suggest there can only be two explanations: Either he doesn't know, which is very scary, or he refuses to answer, which to me is in contempt of the people of Ontario and flagrantly opposite to what he said he would do.

Being a patient man, I got up again on April 4, stood in this chamber and asked the Premier another very simple question: Would he, by the end of his mandate, ensure that breast cancer patients not wait longer than 10 days, as the Canadian Medical Association recommends? Again I asked the question, did the Premier "make the health care system answer" to the women across this province suffering from breast cancer? Again he refused to answer the question, and again the answer as to why he did that can only be one of two choices: Either he doesn't know, or he just refuses to answer.

1600

The very next day, April 5, I stood up in the House and asked the Minister of Health why the Liberal government was planning to spend \$400 million on a casino expansion, and untold other money that they seem to be seeking approval for from the Ontario Lottery and Gaming Corp. for some sort of gondola for the casino, while 750 nurses—I think it's 757 and counting, actually—are being fired under their watch and the hospitals of Ontario finished their fiscal year with an accumulated deficit of \$330 million.

Did the McGuinty Liberal government make the health care system answer to patients stacked up in the hallways of emergency rooms in this province, wondering why we're spending \$400 million, why this McGuinty Liberal government can find, let alone spend, \$400 million for a casino or a gondola instead of putting it into the hospitals of Ontario or health care, not to men-

tion farmers, small towns and various other places? The answer to that question is no. They refused to answer the question.

Of course, we could go on and talk about every day since, up to and including today when I asked a question on behalf of Mrs. Zaionz. She sent it in with her story about her situation, where she's going to have to wait a total of more than a year. Of course, we'll see her comments on the news tonight, because she has her own description of what we saw today, which was just another non-answer.

The reason we put this motion forward for debate today is because we passionately believe, as Progressive Conservatives, that there is a better way. We believe that it is necessary to actually have real plans pursuant to which you can run the health care system, that you don't start the surgery and, once you get the patient opened up, make it up as you go. We just don't think that's the right way to do things. We think it's disrespectful of the taxpayers, disrespectful of the taxpayers' money and disrespectful of all kinds of people who rely on the health care system.

Look at the example, just speaking of disrespect for their money, of the government flowing money to the health care system for new equipment in February and saying, "Oh, by the way, you have to spend that money by the end of March." Instead of doing it in a sensible way that was respectful of the taxpayers' money, which could have saved millions of dollars that then could have been used to hire more nurses or buy more equipment or do many other things in the health care system, they said, "Oh, no, our political timetable is more important. It is much more important that we actually get this money spent by the end of March so we can include it in this year's program. That's more important than allowing hospitals to go out and use their purchasing power jointly to make sure we get better value for the taxpayers' money."

That's really what we're here to do: to get better value for the taxpayers' money, not just to accommodate some plan they might have to try to cover up all the other excesses they're going to try to explain when budget time comes.

We need to have real plans. We need to actually know and have confirmed the funding for the current fiscal year not later than the first month of the year. I live in hope. They still have 17 days left, not all of them days on which this House is sitting, but there are still 17 days left in the month, during which time, if they had any semblance of thinking in a sensible way, allowing hospitals to plan, any semblance of respect for the taxpayers' dollars, they would tell the hospitals of Ontario how much money they're going to get for this current fiscal year. If they know right now there's money that's going to be made available for hospital equipment this year, announce it now and give people the rest of the year to go out and band together, use their purchasing power and really get those suppliers down in terms of price, save that money and use it to really hire some more nurses in this province.

But you know, they're never going to do anything like that because that's just not the way they operate. They operate on the basis of exactly what we have seen from day one of this government: Promise anything you want and don't really care about what you do when you get here; don't do what you say you're going to do; disrespect for the taxpayer's money; don't worry about it—if you run out of money, there's always more; you just have to go to the taxpayers and say, "Send us more."

They measure what they're doing in health care totally by how much they're spending. They get up and read the same shopping list every single day. That's the only result they can refer to: the fact that they're spending more. They can't tell us there are really as many more nurses as they said. They can't tell us the waiting lists are reduced. They can't tell us the hospitals are run better than they were before. They can't tell us any of those things, so they read this tired, shopworn shopping list every day that they have in a canned briefing book that they get up and do.

I think it's disrespectful of the taxpayers. It's disrespectful of the opposition and of the purpose of this place. That is why we wanted to move this motion today, so we could have a discussion here about what should be going on in the health care system in terms of paying respect to the taxpayers' money, paying respect to the patients, the doctors, the nurses, the people who work in hospitals across this province, and actually having some semblance of organization to what they do, and last but not least—a real, big change for this government—focusing on results: first, getting some, and then being held accountable for them. They don't have any results so far and they're completely lacking in any sense of accountability, and I just reject that completely, as does our party.

The Acting Speaker: Further debate?

Mr. Rosario Marchese (Trinity-Spadina): I want to declare my affection for the new leader of the opposition, and to say that I agree with the resolution they've got, but I'm going to attack them just a tad, for balance. This doesn't detract from my affection for John Tory, but I do want, for the record, to say this: You understand that the Conservative party is the party that claims to be fiscally responsible, great managers of our money, right?

Applause.

Mr. Marchese: Thank you, John Baird. But these very people who are so fiscally responsible, people who would manage your money and wouldn't get into your pocket, wouldn't cause a deficit, certainly, were the very ones who—nothing to do with the current leader, because he wasn't here, but his party left us a fiscal mess.

Now how do Tories do that? How do Tories, who are such great managers of our money, leave—in a good economy, not a bad one—a \$4-billion mess, otherwise known as a deficit. You can manipulate that figure. Close to \$1 billion was taken from the Hydro file and shrugged off as a deficit number to their numbers—in the area of \$4 billion, and adding a couple of million extra in that regard. How do Tories do that? If you are good at

managing money, you wouldn't, in a good economy, leave us with a mess. Why do we have a mess? They took—and they're proud of this—close to \$12 billion to \$14 billion out of our provincial coffers. You see, they have a strong affection for tax cuts, and they cut taxes to individuals and corporations to the tune of \$12 billion to \$14 billion.

So much for the Tories. That's the mess they left us, and we all know this. I want to go after the Liberals now, because I have a great affection for the Liberals. The Liberals and ourselves, we bond so well, right? And I want to leave enough room to attack my Liberal friends as best as I can, but I needed those three or four minutes to show my real affection for the Conservatives as well.

You recall that the Liberals, before the election—and Gerry Phillips is so embarrassed when you put it out. He goes something like this, and sometimes he gets angry and says, "No I didn't," and he gets really worked up, and I love to see him do that. In committee, he said, "The Tories are leaving close to a \$5-billion"—what's the term he uses?

Ms. Shelley Martel (Nickel Belt): Risk.

Mr. Marchese: "—risk." Now, don't misunderstand Mr. Phillips. He didn't say "deficit," he said "a \$5-billion risk." We know what he's talking about. So he gets worked up when we New Democrats point out that before the election the Liberals knew the problem we had; they knew. Then they get into government and they get the Minister of Social Services or whatever title she's got, but you know who I mean—it's still ComSoc?

Ms. Martel: Yes, Community and Social Services.

Mr. Marchese: It is Community and Social Services, God bless. She's standing up and saying, "We didn't know," and, "When we came, we found the fiscal mess," blah, blah, blah. She's not the only one. You've got Liberal ministers and others standing up and saying, "When we got here and we discovered there was such a fiscal problemo, we just couldn't keep our promises," although they don't say that. They are not keeping any of the promises, small or big, that they campaigned on. And all of a sudden, they come here and say, "It's the Tories, and we are faultless because we didn't know." I've got to tell you, it sickens me when they do this. It does sicken me; it isn't just that I feel disappointed. So when people say, "You get so rowdy at Queen's Park, and you're so noisy," why are we noisy on the other side? Because it's so hard to take. What's a polite term for what they do? The balderdash—it's a polite term that doesn't mean anything—the crapola that comes from the other side, right? It is so hard to take. So when they say—

1610

The Acting Speaker: I'm not sure the word was parliamentary. I think it should be withdrawn.

Mr. Marchese: Which one? I withdraw the word "crapola."

Interjection: It's not even a word.

Mr. Marchese: I'm not quite sure it means anything. It's like me saying it's a problemo and it's not a word. Nevertheless, you know what I'm talking about.

So when the Liberals stand up and blah, blah and cry, how can you sit there on the other side, saying, "Oh yeah, we understand," and be polite the way John Tory asks us to be on this side? How can you be polite when you listen to that "pola" stuff? It's hard.

Look at this issue we're dealing with. Why do we support this resolution? We support it because when we look at the numbers, the new fund specifically targeted to health care that is flowing from the federal guys, the Liberal guys they're beating up on now because they can't get a meeting with Martin—Joe Volpe is trying really good, but they don't want a meeting with Joe Volpe. They're going to now bypass Joe Volpe, because he's just a barrier, it seems, and they want to get to Paul Martin, right?

These funds that are flowing to the provinces amount to approximately \$10.9 billion in the next four years. Already, what we're getting from the feds is 825 million bucks. We're talking big bucks. It's not pennies, it's not nickels, it's not dimes, it's not dollars; we're talking millions, \$825 million. Where is that money going? Into the Liberal abyss. It's going everywhere, because they're disbursing that \$825 million wherever they can under the guise of health care. They have disbursed \$200 million for sewers, because they made a logical connection to health.

The Minister of Tourism delivered three million bucks for regular participation kind of stuff: "Let's get out there and walk and, you know, exercise." Three million bucks coming from the feds.

Ms. Martel: It was the health tax.

Mr. Marchese: That was the health tax. I'll get back to that in a second. It's the same problemo. It's the same "pola" stuff.

So it troubles me. We're talking about 11 billion bucks coming from the federal government, with this year's contribution being close to \$1 billion. In the next three years, they're going to get 10 billion bucks. Where is the money going?

Then let's talk about the Ontario health tax, which has become a premium, which has become a tax, and it bounces back and forth so embarrassingly for this government that didn't want to call it a tax when they introduced it, because it was a broken promise. Then they called it a premium; now they call it a tax.

You don't know what the Liberals stand for. They vacillate so often, it's hard to pin them down. It's like this. You can't pin them down ever, and they're collecting, as of this year, \$2.4 billion out of that unfair tax. Now, why is it unfair? Because it taxes low-income people. That's why it's unfair. If we went after Marchese, who's got an \$85,000 salary, I would feel better. If we went after John Tory, in spite of my affection for him, who's got a few more bucks than I do—and Sorbara, by the way, because Sorbara's got a few more bucks than I do. He's a millionaire, as far as I know, and he's my buddy too. If we went after Sorbara types and John Tory, both of whom I like, who have deep pockets, unlike Marchese, but unlike those who earn \$25,000 or \$30,000

or \$40,000, that would be OK by me, that would be fine, but for Liberals to go after those income earners who earn 25,000 bucks, you've got to be nuts.

How could you then say, "We Liberals have a heart"? Where is that heart when you tax individuals only on 25,000, 30,000, or 40,000 bucks? What kind of Liberals with a heart are you when you can do that and not feel bad? They're raising \$2.4 billion, not going after the very wealthy who've got high incomes, those who earn anything over, including me, \$85,000, those who earn over \$100,000. You go after those people who in this economy are hurting. There are a lot of people in this economy, mostly immigrants these days, who are barely keeping up beyond the poverty line. That's hurtful, and we're taking money away from them. Take that argument apart or put that aside.

Two point four billion dollars from this health tax broken promise, \$825 million from the feds this year alone—we got over three billion bucks for health. Where is it going? Why do we still have such huge problems in our health care system, when you've got all this money flowing every year? Ten point nine billion dollars from the feds in the next three years, when you include the one billion, more or less, they give this year, and another \$9.1 billion in the next three or four years under this health tax broken promise going after the poor. Combine those and we've got billions of dollars in our pockets, and it's still not able to address our health care needs. How do you do it? How does a Liberal government do that?

Your government—yes, your government—forced the hospitals to lay off 2,000 people, 2,000 working men and women. How can you feel good, you Liberals, that we fired 2,000 people last year—2,000 people alone—health care workers that we desperately need, with all that money flowing in: your health tax, and your federal Liberal cousins giving you \$825 million? Where is it going? Layoffs: nurses, orderlies, infection control specialists.

Talking about infections, did you see the CBC series just a couple of weeks ago? Thousands of people are dying, just picking up infections from wherever, just touching some chair, just touching some toilet seat, just touching anything in the hospital. Thousands of people are dying. More people are dying of infections than died of SARS. How do you people live with that day in and day out? Where is our money going? Thousands of people are dying just by picking up lethal infections because we don't have enough people to properly clean our hospitals. How can you feel good about that? These cuts have a direct impact on the quality of care that the patients are receiving.

Our hospitals are saying this: The cost of providing patient care is predictable. And what is predictable? They say we need 8% a year to be able to deal with the following: serving the health care needs of a population that is growing by almost 150,000 people each year; providing care to our elderly and their more complicated health needs; paying for increases in modern surgical supplies and equipment to keep up with the changes in

treatment; drug costs and all the attached percentages; physician payment increases; utilities; insurance; food equipment; depreciation; with the balance for increases to hire more health care professionals, including full-time nurses, health and safety initiatives, as well as increases in wages, salaries and benefits. Eight per cent a year alone to deal with these kinds of needs, let alone things they didn't mention. And we've given 200 million bucks.

What the people in the field are saying, the hospitals in particular, is that they stress that even with the new one-time funding announced a while ago of \$200 million and even after making these cuts, the 2,000 cuts, hospitals will begin the new fiscal year with a \$440-million shortfall. Without a significantly revised multi-year funding plan, their shortfall will grow to \$760 million by the end of 2005-06. This will leave hospitals with no choice but to cut core patient services, and up to 8,700 additional jobs next year will disappear in order to balance the budget. We're talking about 8,700 more people who will not have jobs in the hospital sector. And if you thought laying off 2,000 people was bad—i.e. nurses, orderlies, infection control specialists and others—when they're going to have to lay off 8,700 more staff this year alone, what do you think is going to happen? Where is our health care money going? It's certainly not going to health care. It's going into a whole lot of other places. That's why they are going to McGuinty, pleading with him.

1620

The new leadership style of McGuinty: pleading with the federal government to give him the money because he is too afraid to tackle the problems that the Tories left us; that is, that we have \$12 billion to \$14 billion less because of corporate and individual tax cuts, and we're unwilling to deal with that and unwilling to go after the people who have the money to get it. Because McGuinty is unwilling to do this, he is pleading, begging. The new leadership style of McGuinty—I can see him on his fours, on the ground, pleading with Martin: "Give me some money. Help me out. I'm in trouble. I know you're in trouble too; I know you're about to go down. I understand that, but please don't bring us down with you. Give us the money." That's what he's saying. It's pitiful. What a pitiful vision: Mr. McGuinty on his fours, pleading with Martin to give him the money under the guise of an imbalance. Please.

You, McGuinty, have a good economy. You, McGuinty, have the fiscal tools and the fiscal capacity to deal with your own problems, and you are not dealing with them. All you've got is Harper pleading your case up there at the federal level, saying, "We will help you."

Mr. John R. Baird (Nepean—Carleton): I'll help.

Mr. Marchese: And John Baird, when he gets elected, will help. Oh, yeah; he'll help you. You think Harper is going to deliver the \$5 billion? He ain't gonna do that. Uh, uh. And as much as I like John Baird on a personal level, he ain't gonna do that either. No, sirree. Ontario will bleed unless McGuinty has the intestinal fortitude to say, "We've got the fiscal capacity to solve our problems,

and we can do it in a good economy." If we can't do it now, when?

McGuinty, don't wait for a recession. If a recession comes, we are in trouble. If our services were decimated under a Conservative government and you are operating within the same fiscal conservative framework, all you can do is continue to cut services in every area, including the ones you claim to be so mostly connected to, i.e., education and health.

I love to see Kennedy play this game of manoeuvring the little players on the chess board. They announced \$100 million for special ed last July and then they clawed back \$100 million at the same time the next month. He says, "We are giving more than ever before," and he says, "By the way, we stole \$100 million, but we are going to give \$50 million back and you're going to have to fill out an application." That was last November. We are in April: no application and not even the \$50 million, short of the \$100 million he took away.

I predict this, and I say this often in the House: If people are watching, and many are, they will know that Kennedy is likely to announce at the end of June another \$100 million for special ed, the \$100 million he stole that he didn't put back. He will reannounce it as new money. That's Kennedy. That's the new Liberal politics. That's what they do. They move money around. They announce money that never comes, that never goes, that you never see; it's just announcements of money. That's the Kennedy style of politics, and that's the Liberal style.

In the same way that the Tories announced an innovative fund for apprenticeship programs a couple of years back and made their first instalment, I believe—or the Liberals; I don't know which—last year, the Liberals promised \$20 million more for apprenticeship programs, and not one cent was delivered; not only that, not only the \$20 million they promised, but not even the extra few bucks the Liberals had promised from their \$90-million fund ever got delivered this year.

Do you see what I'm saying? That's the way the Liberals play politics. I detest that kind of politics. I abhor it. How could people live with that kind of politics? I don't know. All I can hope is that people see it through these debates, as they tune in, and say, "My God, we didn't know that. We've got to get rid of these Liberals as quickly as we can." That's all I can hope.

The poor nurses. They're going to fire 750 nurses. And when we say it in this House—they probably did; I don't know if they've completed it.

Ms. Martel: It's underway.

Mr. Marchese: It's underway. When you say it, the Liberals say, "Hmm? No." But it's on the record that they are firing, laying off, 7,500 nurses, give or take a couple, the very ones about whom McGuinty said, "Oh, no, we need them." When he makes reference to his mother being a nurse—I can't find it because I have such a long list, and I've got to let Shelley Martel speak as well. There are so many quotes of McGuinty talking about how much he loves nurses and how many nurses he was going to bring back into the system, if you believe

him. We're going to have all these thousands and thousands of nurses that he's firing, 7,500 nurses, gone.

Ms. Martel: It's 757.

Mr. Marchese: Yes, 757. Did I say thousand? That's a lot. I beg your pardon. It's 757 because, you know, you add an extra couple of zeroes—that's the way I see the Liberals, right? Well, next year there will be a couple of more. You're going to keep on adding zeroes as we go, right? "Watch me. Just wait. Don't you worry. McGuinty will be there for you when we've got to make the serious cuts." It's coming.

It's a serious problem we've got on our hands. We've got money from the feds coming; we've got money from the health tax—close to three billion bucks. Where is that money going? It's going somewhere. It's not in my pocket. It's not in your pockets. It's going somewhere in government expenditures, and it's not health.

Hopefully we won't face a recession. You think the cuts the Tories have imposed on us and the cuts that these Liberals are imposing on us with their 5% to 10% or 15% cuts in all the ministries except, they say, for education and health, are bad? Compound the cuts the Tories made, compound the cuts these guys are making, and should there be a recession—God willing, there won't be—we are in serious doo-doo. I don't wish it on this province.

I thank you for the attention. Shelley Martel will follow me in the next round.

The Acting Speaker: Further debate?

Mr. Peter Fonseca (Mississauga East): I have to tell everybody in this room and across Ontario today—you probably saw the headline. Here's what came across the wire: Mike Harris, former Premier of Ontario, calling for Canada to "get out of medicare." Medicare is one of the greatest values that bind this country, the value that makes this country so great.

I have to say that Mr. John Tory, the Leader of the Opposition, is playing games with this House. He's playing games of hide-and-seek, trying to hide from the past record of that previous government over there. There are members sitting across the way right now who were there when Mike Harris said, "Let's slash those nurses. Let's close those hospitals. Let's destroy our health care system. We don't believe in it." That's what they said.

Mike Harris is the true voice of that Progressive Conservative body over there, the voice that wants to destroy our health care system here in the province of Ontario. The Leader of the Opposition can run and hide, but he can't hide for long. He can huff and puff about what he has to say about health care, but the truth is that what they've done in the past is what they will do in the future. One thing we know is that past behaviour most likely will be future behaviour, and the future behaviour of that government is clear for everybody to see.

Mr. Tory and his party have said, "We will cut \$2.4 billion out of our health care system." What will that do? Is he going to close another 28 hospitals? Is he going to slash another 8,000 nurses? What will he do?

I can tell you what we will do. What we're doing is rebuilding our health care system here in this province.

We want to make sure that it's strong and sustainable. We are committed to medicare in this province, to universal health care across this land, through Bill 8. That is something that we can't say about the opposition across the way.

1630

The Leader of the Opposition will tell you that he cares for health care, but the truth will come out when he tells us, when he finally tells the province of Ontario, where he's going to cut that \$2.4 billion. Will he be slashing doctors, nurses, community support care service providers or community home care? Where is he going to slash that \$2.4 billion? We would all like to know.

Do you know what I think? He's left the room right now, and I think he has maybe gone to meet with Mike Harris. Maybe he's calling Mike Harris up right now to say, "Mike, what should we do? What hospitals should we close, Mike? Where should we start slashing? How can we cripple this system a little bit more than you did when you were here in government from 1995 to 2003?"

Yes, I realize that the member will often cite that he wasn't around at those times, but we know he was in the backrooms. He was in the backrooms working with the big boys, telling them, "You know what? Here's where we can bring in privatized care." I know that, like Mike Harris, Mr. Tory is looking at a two-tier system. How can he bring privatized care into the system and bring US-style health care into Ontario? That's not what we want. We are committed to universal health care here.

Looking at players like Mr. John Tory and big business players in the United States, here's what I can tell you happens to people in the United States. Working-class families across this province will not want to see this happen: Half of all personal bankruptcies in the United States happen because people cannot pay their medical bills. That's a shame. That's not something we want to see here in Ontario or in Canada. Mr. Tory, we don't want to see that brought over here. I know that you'd want to back up Mike Harris—your former friend and Premier of Ontario, somebody I'm sure you had a lot of conversations with—in terms of a two-tier system or bringing privatized health care into this province. That's something that we do not want.

Mr. Tory will often try to deflect that and say that he was not part of that government. Well, I never heard you, Mr. Tory, stand up—

The Acting Speaker: You have repeatedly called the member by his name. That is not parliamentary. You can refer to him as the Leader of the Opposition or as the member from Dufferin–Peel–Wellington–Grey.

Mr. Fonseca: I'm sure the leader of the official opposition, during the 1990s and during former Premier Mike Harris's stay in this province, had a lot of conversations with him in terms of the cuts that were being made to health care.

Mr. Kevin Daniel Flynn (Oakville): He was his mentor.

Mr. Fonseca: He was his mentor, yes, as he was grooming him for this job.

Let's talk about what our vision is for health care here in Ontario. We have a vision of teamwork, a vision of compassion, a vision of integration, a vision of making health care systems sustainable within the province of Ontario. This is happening by working in partnership with all the people who deliver health care services within the province.

We've made sure that we have created over 3,000 full-time nursing positions in hospitals, long-term-care homes and community agencies. We've made significant investments in education, mentoring programs, bed lifts and safety equipment designed to make the job of nursing a safer and more rewarding one. Nurses are the heart and soul of this system, and they deserve to be treated with respect, as we are treating them with respect.

In regard to hospitals, my friend demands better treatment for hospitals. He wants to make sure that we fund them properly. What I can tell you about that government is that they allowed hospitals to hold \$700 million of deficits on their books, which was off the books, so the people of Ontario would not be able to see the massive deficit they were holding this province to.

Twenty-eight hospitals closed. It strikes me as a little rich that they should lecture us about hospitals, leader of the official opposition, when they eliminated 5,000 public hospital beds in their first two years alone and more than 7,000 over their time in office. The leader of that party cut \$557 million from hospitals in their first two years. The kind of stability they're recommending will provide the most unstable system Ontario will ever have seen. That's what that party specializes in: disruption, crisis, anarchy, instability.

What we are doing is making sure that we right this ship, that we bring fiscal responsibility to our system, to make it sustainable and to give it the funds it needs to be able to build a system, something the previous government had no inclination to do. It's a pleasure to speak about the great things our government is doing to make our health care system one that will be here today and for many years to come. We are making Ontarians healthier. We are getting better access to doctors and primary care. We are shortening wait times. Unlike the previous government that cut vaccines for children, we've made sure all children in the province will be vaccinated for chicken pox, meningitis, pneumococcal—unlike the previous government that downloaded much of the services on the municipalities, we made sure we're investing in public health and we have uploaded the public health sector to the province of Ontario, so that we are now picking up 75% of the cost.

Under the Ontario Liberal government, Premier Dalton McGuinty and Minister of Health and Long-Term Care George Smitherman, we will make sure we have a health care system that is second to none.

Mr. Baird: I rise to talk about some important health care issues in my community that are cited in this resolution. We're asking for two things that affect hospitals. One, would they agree to tell hospitals what their budget is now that the fiscal year has started? Ray Hession, the

president of the Ottawa Hospital, asked for that and still hasn't heard. We're entering the beginning of the third fiscal year of this government and still haven't got a sense of what their budget is. They have to give six months' notice for the layoffs the McGuinty government forced them to make and they just want to know what their budget is. The Premier promised to do this, not just in his election campaign document, but he also promised to do this in his first budget.

The other issue affecting hospitals comes to me from a visit. As an MPP and as health critic, I went to work at the Queensway Carleton Hospital. I spent five hours there, shadowing nurses in the emergency ward. From the triage area to working in the more acute area of the emergency ward, I talked to the nurses there. They're not just concerned about themselves and their patients; they're concerned about the future of the health care system. The motion here calls for a moratorium on the provincial government, on Dalton McGuinty, firing nurses. They've criticized the previous government for laying off nurses, but apparently that wasn't enough. They want to lay off even more. It's not enough. Apparently Mike Harris didn't lay off enough nurses. They want to add another 757 to that list.

That's unfortunate, because I want every single nurse at the Queensway Carleton Hospital—the people, the men and women I worked with—to put all their energy to worrying about their patients, not to worrying about health care cutbacks by this government.

I challenge the Liberal members to vote for the platform. Vote for your platform in here. I worked hard to get the Ottawa Hospital the biggest funding increase of any hospital in Canadian history. Number one—no hospital has ever got a bigger budget increase than the Ottawa Hospital under the previous government. I wish this government would be as committed to hospitals as they should be.

1640

Ms. Martel: I'm pleased to participate in the debate. I'll repeat at the outset, as my colleague from Trinity-Spadina has already said, that we will be supporting the motion.

I just want to focus on two of the bullet points this afternoon: the first bullet point, "To ensure that Ontario's hospitals are given adequate, stable, multi-year funding to meet the needs of patients as promised by the Liberal Party ... in the 2003 election and again promised in the ... May 2004 budget," and the third bullet point, "That no nurses will be fired as a result of budgetary constraints for the remaining term of office of the McGuinty Liberal government."

Let me deal with "ensure that Ontario's hospitals" have "adequate, stable, multi-year funding," because the reality is that with the announcement that was made by the Liberal government in the 2004 budget, we don't have adequate, stable funding for hospitals. Indeed, we already have a situation that in the first year of funding from the Liberal government, we have seen 2,000 hospital staff laid off, and, if nothing changes with

respect to the allocations that were announced in the 2004 budget, we are going to see some 8,700 people lose their jobs in the hospital system in this fiscal year, 2005-06. So we didn't get stable funding from the Liberal government as they promised in the election, as they stated in the budget. In reality, we have a situation where there is an enormous crisis facing the hospital system now: people being laid off, many more to come, and a dramatic, negative impact on patient services right across Ontario.

I don't understand what it is about hospital funding that the Liberals don't get. I think the OHA and other hospitals have been very clear. There are pressures facing the hospital system that don't go away from one year to the next. There are ongoing budgetary pressures and those are in the order of 8%, year in and year out. They include serving an increased population, and a population that has much more complex health care needs; paying for care for the elderly and their more complicated needs; paying for modern surgical equipment to keep up with the changes in treatments—and we want those things to occur; drug costs that go up; physician payment increases for those who are on alternate payment plans in the hospital system; utilities—we know a lot about hydro, and it's only going to get a whole heck of a lot worse; insurance; food; equipment; not to mention the legitimate wage increases that are bargained for and should be provided to those who provide care in our hospital system. I'm talking primarily about the front-line workers who are providing care. I don't want to talk about executive salaries. That would make me cross, especially at the Sudbury Regional Hospital right about now. I'm talking about salaries for front-line workers—nurses, CUPE staff, SEIU staff—who are there day in and day out, providing direct patient care, making sure our hospitals are clean and that infection is not rampant. Some 8% every year is the estimated cost to deal with those costs, which the hospital can do nothing about.

What did the government provide in the 2004 budget? Well, in the 2004 budget they provided 4.3%. The projected allocations in the hospital system for the next couple of years are: 2005-06, 2.1%; 2006-07, 2.2%; and 2007-08, 3.1%. That's the projection that was announced in the budget. So we've got costs at around 8% and we've got allocations that run from 4.3% downward—downward—for hospitals to use to cover their costs. Let's look at the 4.3%, because that can be a very misleading figure. Not every hospital—indeed, most hospitals didn't get a 4.3% increase, which would have represented half of the money they needed to deal with their expenditures. In fact, because most of that money was one-time, individual Ontario hospitals received an average operating funding increase of 1.8%, not 4.3%. Many received 1%. So we are moving from a situation—you can see how big this gap is, and it's a gap that's just going to grow. An 8% need, with hospitals, on average, in 2004-05 getting 1.8%. In the out years, the government is going to provide just 2.1% this year, 2.2% next year. That means some hospitals are going to get average

increases of 0.6%, 0.5%, 0.4%. That gap is just going to grow when their costs are around 8%.

You have, at the same time, the government saying that by 2006, as a result of Bill 8, hospital deficits will have to be balanced, and haven't we seen some of the negative consequences of that. You've got 2,000 workers who have already lost their jobs as a result of inadequate hospital funding in the fiscal year 2004-05. Under the cover of night—it was either December 23 or December 24—the Ministry of Health sent a letter to hospitals agreeing to a first round of cuts, which resulted in layoffs to over 2,000 staff, and 757 of those are full-time nurses.

That's what we've got happening this year. What's going to happen in the out years, as this government tells hospitals they have to balance their budgets by 2006, and as this government allocates funding to hospitals that is totally inadequate to meet their increasing expenditures?

Let's look at what's going to happen this fiscal year. Even though a number of hospitals have worked for months to try and find additional savings, they couldn't balance their budgets at the end of the fiscal year 2004-05. In fact, at the end of the fiscal year 2004-05, even with the \$200-million bailout given by the government in January, the hospital deficits were in the order of \$440 million. So we are starting a new fiscal year, 2005-06, with hospitals in deficit to the tune of \$440 million, projected to get 2.1% as a funding increase for this fiscal year.

If nothing changes in this plan, if there is no additional allocation to base funding, not one-time funding but allocation to base funding, hospitals in this province will be in a deficit position at the end of the fiscal year to the tune of about \$760 million. If hospitals with a total deficit of \$760 million are forced to balance their budgets by the end of the fiscal year 2005-06, I can tell you we'll probably have more than 8,700 layoffs, and I can tell you, as clearly as I stand here today, that will have a dramatic negative impact on patient care.

When the minister talked about the 2,000 layoffs early in January, and I was at the press conference and I heard him, he talked about the fact that 757 nurses were going to be laid off. At the same time he talked about that, he tried to say that the 2,000 layoffs his government authorized were for administrative positions and were not going to have impact on hospital services at all. I can tell you that the nurses who were at that press conference who spoke to the media after made it very clear that of the 757 nurses who were going to be laid off—it's more than that because those are full-time equivalent positions, and because so many nurses still work casual and part-time, they said it's going to be more than 757 bodies. They made it very clear: These were nurses who were working in cardiac care; these were nurses who were working in the emergency department; these were nurses who were working in the neonatal department; on the acute psych. floor. These were nurses that providing direct front-line service. They are not administrative positions and their loss means very negative impacts on patient care.

That's what we have got just as this fiscal year wraps up. If the government wants to hold to the multi-year plan it announced in the 2004 budget, we are going to see that problem magnified a thousandfold.

It's interesting that there hasn't been a change, and we wait and perhaps in the budget we will see a change, because it's very clear that we already have a significant problem and it's going to get worse. I think that's part of the reason the OHA, in its prebudget consultation, urged the government to take a second, sober look at how it funds hospitals. They said very clearly that the 2005 budget should commit to implement a plan to move to prospective multi-year service-based funding, and secondly, that the rate charged for services should be independently reviewed and validated by experts and clinicians to ensure equitable and appropriate funding. I think that's a good idea. I think that's a reasonable idea. I think that would go a long way to really ensuring that hospitals are appropriately and adequately funded with respect to the services they are providing, because there are many hospitals providing many different services, and we should recognize that, but we don't now, in terms of the funding formula that's in place.

1650

They also said in the pre-budget consultation that there should be transitional funding to hospitals "to accommodate the needs of their patients until additional community-based alternatives to hospital care are in place. Without" that, many "communities may lose critical patient services now offered only by their local hospitals."

You see, I've heard that government say again and again that hospitals should shed a number of the programs they offer and they should only deliver core services because the community services are in place to pick up the slack. I've got to tell you, community services aren't in place to pick up the slack and, in far too many communities, the hospital is the only health care game in town. If the hospital sheds some of those services and deals only with the core services as defined by government, thousands of people will have no place to access health care in the way they do now, because those services are not in place in the community.

The government hasn't made its announcement on family health teams. It's supposed to this week. It's been 18 months, and we still have no announcement about family health teams.

The amount of money that the government actually allocated to long-term care was \$116 million, not \$191 million. So there hasn't been any significant change there.

I can tell you, in my own area, people are still lining up for physiotherapy and occupational therapy through a community care access centre. So whatever allocation went there to deal with that wait list hasn't made a difference for those people who are waiting for all of those services.

The fact of the matter is that community supports aren't in place. You can't tell hospitals to trim their bud-

gets by cancelling or cutting out or getting rid of some of those services because they're in the community, because they just aren't. If hospitals did that, I can tell you that would cause all kinds of negative consequence for patient care in our communities as well.

Let me focus on the second point that had to do with nurses. I said earlier that, although the minister tried to say the 2,000 jobs lost in fiscal year 2004-05 in the hospital system were administrative positions only, he was quickly contradicted, most effectively contradicted, in his statement by nurses who were at the press conference that day, who said that those positions represented direct front-line positions in cardiac care, in psychiatric care, in emergency care, in neonatal care, and the list goes on.

Let me just give you one community that is suffering nursing loss. This is a press release from Sault Ste. Marie, March 16:

"Sault Area Hospital ... registered nurses are warning that patient care will be severely impacted if the planned layoff of 20 nurses (13 full-time and seven part-time) goes ahead by the target date of May 14.

"The layoffs, along with a substantial reduction in nursing patient hours by April 1, will have a devastating impact on SAH patients. We are already facing tremendous challenges because of workload pressures, high patient acuity requiring more nursing care, and under-staffing," said Glenda Hubley," who's the RN, local coordinator and bargaining president for ONA.

"We are currently operating at base staffing levels—there is just no fat in the system to trim if we are to sustain proper patient care.... Since January of this year, we have filed 23 workload complaints because of inadequate staffing levels;" and they are still unresolved.

So that's just one community where nurses are being laid off at the same time as the government and the Minister of Health tell this House that 3,000 new nursing positions have been created. In Sault Ste. Marie, we've got layoffs at the hospital, and they aren't the only hospital that's laying off nurses.

Here's a press release from February 14. The president of ONA came to Queen's Park that day. Linda Haslam-Stroud said the following:

"Ontario nurses have lost confidence in the McGuinty government's commitment to restore nursing and protect patients," said President Linda Haslam-Stroud today.

"The McGuinty government has done a 180-degree turn from its stated commitment during the election to protect patient care and hire 8,000 full-time registered nurses," said Haslam-Stroud.

"On January 17, the government told Ontarians they can expect 757 nurses to be laid off this year and possibly thousands more next year, as hospitals struggle to balance their books by March 2006. Nurses feel betrayed by this government."

Here are some comments that were made by the Registered Nurses Association of Ontario. They came to the pre-budget consultations on January 19. It was Doris Grinspun who spoke on behalf of RNAO that day and

made some very pointed comments with respect to the government's announcement. She said:

"Given the Minister of Health's announcement on Monday, I must turn instead to an issue that I truly believed we would not have to address during the term of this government, an issue that the profession desperately needed a break from: cuts in nursing services."

She went on to say very clearly that, "Providing incentives for nurses to retire means acceleration toward retirement by those 10,000 nurses already expected to retire.... It means the loss of expert nurses." She made it very clear that it wasn't just 757 bodies that were going to be lost but more than that, because so many workers still continue to work part-time, still continue to work casual.

"In his announcement, the minister said there would be a reduction in nursing. Hospitals would be cutting the equivalent of 757 full-time nurses. Because of the still unacceptably high level of part-time and casual positions, this means that far more than 757 nursing bodies will be affected—many more nurses than that number. We are not comforted by the minister's statement that some of these losses will be absorbed through attrition, early retirement and reductions in sick time, casual employment and overtime."

She said, as she ended her speech that day:

"For all these reasons, we urge the government to reverse its decision and send an urgent message to the nurses of this province. We urge the government to revisit this issue and come up with a solution that protects both quality patient care and nurses."

She also said, "The announcement has sent a message to nurses that has chilled the profession."

Before the election, the government promised 8,000 new nursing positions. We are in a situation now where, as a result of inadequate funding to hospitals, we are seeing massive layoffs of nurses: 757 full-time equivalents, even more in terms of real, live bodies, just as the fiscal year 2004-05 ends. That number of nurses and employees who are going to be lost is only going to grow if this government doesn't come forward in the budget and put in place an adequate, sustainable, multi-year funding plan for hospitals.

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm pleased to stand and respond to the opposition day motion. I guess I stand in the Legislature today and I ask why the opposition would try to scare Ontarians with what they are raising. I suspect the answer is that when you don't believe in or want to protect and sustain our public health care system, you want to lead Ontarians to believe that private health care and two-tier health care is the only way of the future. To get Ontarians to embrace that two-tier health care, especially if your plan is to cut \$2.4 billion more from that system, you want Ontarians to believe that it is impossible to sustain our public health care system.

I'm very proud to be part of a party that is willing to do the real work and the hard work that has been identified by Roy Romanow, the work that we need to do to

transform our public health care system into one that is truly public, one-tier, universal and sustainable for generations to come.

That is what this opposition day motion is about. It's about distinguishing between the opposition and the government in how we approach health care. We are prepared to invest in our hospitals and in our communities to transform a health care system, because we believe in that system, we want to protect that system, and many of us put our name on the ballot to come here and do that hard work. We're ready to roll up our sleeves and do that work and truly put Ontario patients first.

I want to tell you what the transformation is doing in a community like mine, Etobicoke-Lakeshore. In Etobicoke-Lakeshore, we have a wonderful health care facility, Trillium Health Centre. Our plan to transform health care is about taking medicare to its necessary next steps, creating a comprehensive and integrated system of care that is shaped with the active leadership of communities and driven by the needs of patients. When I go to Trillium and I talk about the needs of patients, the people who work at Trillium each and every day to make sure that hospital is a pacesetter hospital in our system understand the needs of patients. The Queensway site, located in Etobicoke, part of the Trillium centre, continues to emerge as a benchmark facility for the delivery of innovative ambulatory care services, a 14-hour urgent care centre, a mental health service, the Betty Wallace Women's Health Centre, all of which I have had the privilege of touring and which are doing some incredible, innovative work.

1700

I want to tell you that there's a lot of misinformation that comes into this Legislature about what is happening on the front lines of health care. In 2004-05, Trillium Health Centre's approved operating allocation was \$271 million. The hospital received a total of \$14.4 million from the new funding allocation, and Trillium Health Centre was provided with 100% of their funding. They brought forward a balanced budget—in fact, a surplus budget—in 2004-05, and in 2005-06 they brought forward another balanced budget, with no clinical service reductions. They are an institution that we are rewarding for their innovation in bringing forward leadership, engaging community members in dialogue, talking about the future of our health care system, integrating with our community health centres. They are a part of our strategy, for example, on wait times. Trillium Health Centre will be doing 108 new hip and knee replacements, 170 new cataracts and 110 of the cancer allocation surgeries. They are part of the solution to health care, and I'm proud to represent that hospital here today.

I also want to talk about bringing it into the community. We heard something about, "You can't work in our communities if you don't invest in community health care." In Etobicoke-Lakeshore, we're investing in a pacesetter hospital. They're part of an innovation strategy supportive of the transformation agenda that our government is bringing forward. And at the same time, we've

given \$840,000 to the Lakeshore Area Multi-Service Project, LAMP, which is going to develop a new health care centre in Mississauga and Etobicoke; \$265,000 for ongoing, and almost \$500,000 to build that new centre. So we're investing in hospitals, investing in communities and, for the first time in Etobicoke-Lakeshore, there's availability at the community health centres if you need a doctor.

Bring the community around. Be somebody who wants to build. Show leadership to transform this health care system. That's the government that I'm part of, that I'm proud to stand here and support, and that's not what I see in the opposition motion today.

Mr. Frank Klees (Oak Ridges): I want to take this opportunity to thank our leader, John Tory, for bringing this motion to the floor of our Legislature. It speaks volumes that the Leader of the Opposition should take this opportunity, his first opposition motion, to speak to the importance of health care in our province, and to challenge the government to do what it said it would do, and that is to ensure long-term, multiple-year funding for our hospitals and to support our health care system. The truth is that that is not happening.

Everyone who has observed this government since its election has observed the lack of integrity when it comes to saying one thing and doing another. In this House, even the speaker just before I rose to my feet made the comment that John Tory and the Ontario PC Party would cut \$2.4 billion out of health care. For the record, and I want people who are watching this debate today to know, that is the farthest statement from the truth that anyone could ever make. It has never been said by John Tory; it has never been said by anyone in our party. It is not true. If anything, what John Tory has said is that health care is a priority for him and will be for our party; that not one penny will be cut from the health care budget but that we will do things in an efficient manner.

Here is the problem that we have. I cannot, because of our standing orders in this House, say that a member of this House is telling an untruth. I cannot say that they are lying by saying that. So what I have to say is, in the very carefully selected terms that I can: This is the farthest from the truth that either the Premier, the Minister of Health or any member of the Liberal Party could say.

I say to people watching, when you hear the Premier or any Liberal member of this Legislature make that statement, be careful. This is one more challenge of the integrity that this government is lacking. It is one more example of politicians saying whatever they need to say to undermine confidence in the business that is being carried on here.

I am proud of the position the leader of our party has taken in defence of health care. I am proud that he is bringing this motion forward this afternoon, and I look forward to the opportunity to work with him to strengthen health care in the province of Ontario.

Mr. Phil McNeely (Ottawa-Orléans): I would like to take this opportunity, during debate of the opposition motion, to bring to your attention the situation of our

health system in the Champlain district in Ottawa—it's one and the same; Ottawa is probably over half of it—when we took over governing this province. Information from the ICES wait times report is now available. Something that was of concern to me during the campaign and in the early months of our government was the inequity of health care funding across this province.

News has it that the health critic could be heading to Ottawa, so I believe it is important for us to see where he, as senior minister for Ottawa with the Harris government, brought our city in terms of health care.

The word on the street during the campaign suggested that health care funding for Ottawa was about 85% of the provincial average. One figure I recall was that Ottawa had 50% of the MRIs per capita that Toronto had, and the recently released figures support that; that is what ICES has shown. Did Mike Harris call the Nepean–Carleton minister and say, “Cut health care in Ottawa”? It seems his answer may have been, “How much, Mike? How much do we want to cut in Ottawa?”

The rate of MRIs per 100,000 people in Toronto was 1,957, compared to 1,302 per 100,000 people in Ottawa in 2002–03—50% less availability. We were buying them in Gatineau and Montreal because they were not available. That's where our health critic had taken the situation in Ottawa.

I recall the member for Nepean–Carleton and his buddy Lowell saying that was OK, we had enough MRIs. Of course, if you do an MRI, you might have to do an operation that will cost the system money. In Ottawa the wait time for an MRI was over a year, and it's still about that. It's going to take time to change that. The ministers for the Ottawa area said that was OK as well, and that was in our press.

I've studied the stats. In the case of bypass surgery, wait times were near the top, thanks to Dr. Keon. Everything else was below average, and a lot of them were right at the bottom. Listen to this. Here are some of the stats from the ICES report, which the member from Nepean–Carleton should be aware of:

Radical prostatectomy: We were 14th out of 14. We were last.

Urgent angiography: We were 14th out of 14. We were last.

Elective angiography: 14th out of 14. We were last.

Hip replacement: We were 14th out of 14. We were last.

Knee replacements: We were great. We were 13th out of 14.

That's what we were left in health care in Ottawa by the member from Nepean–Carleton. The health critic was a senior Ottawa minister. Now he may be going to Ottawa. That's shocking, since he would not fight for our city.

You wanted to close a great hospital, the Montfort, and Gisèle Lalonde beat you in court. The Montfort is one of the best-run hospitals in the province of Ontario. You tried to close the cardiac unit of the Children's Hospital of Eastern Ontario. You almost succeeded, but

thank goodness you were kicked out before you did it. You brought in a supervisor for the Ottawa Hospital. You did close the Grace and you closed the Riverside. You accepted underfunding of our health system in Ottawa at much below the provincial average.

You betrayed our health system in Ottawa, yet you have the audacity to support this motion today. I would think that your legacy of accepting less than our due in Ottawa would make you ashamed of your dismal record and the dismal record of your government. In fact, the only time the health critic, John Baird, ever proposed more funding for health care in Ottawa was in opposition. That was last year, on October 14, when he brought in a motion. Now that he is in opposition, he's got lots of money.

Times have changed. Minister Smitherman is not afraid of telling the truth, of publishing wait times and other information on hospitals. He has told us that we will have equity across the province, something that government over there never had and did not even want to measure. The McGuinty government is bringing a managed approach to our hospitals. The Provincial Auditor, for the first time, will be able to review the expenditures of hospitals, something that government would never do when they were in power.

When you talk about taking \$2.4 billion out of the health care system every year, or \$10 billion over four years, you'll bring back the mess you created in eight years of slash-and-burn governing. I say to the opposition that the good people of Ontario will not give you the chance to ever do that. It seems that whether it's Harris, Tory or Harper, we can count on the member from Nepean–Carleton to try to cut services in Ottawa far beyond the call of duty.

I don't think it was a coincidence that today the Harris report to the Fraser Institute came out in support of private health care—where that party wanted to take us when they were government and where they want to take us today.

1710

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): We don't have a lot of time to speak today because we have so many people anxious to speak to this motion, because it's one that we can support wholeheartedly.

The sad part about this present government is the great promises they brought to the campaign of 2003 and how quickly they retreated from those promises—the promise that they would not raise your taxes, and shortly after, in their very first budget, they brought in a health care tax, a punitive tax.

Let me tell you what that has done to people. They brought it in so they could reduce wait times for procedures in the province of Ontario. Well, a constituent of mine, Mr. Evans from Arnprior, tells me that he's going to be waiting nine to 10 months to get an MRI—a World War II veteran waiting nine months to get an MRI. But what's he doing? As he writes here, “I'm paying \$544 to McGuinty's health tax. What for? I believe it was just

another" blank "from this government." That's what Mr. Evans says. There is nothing. There is no plan.

Last week the minister announced a plan to centralize surgeries or procedures. The plan for this government is this: "Every week we'll make a new announcement. Stay tuned next week for a new plan."

Mrs. Carol Mitchell (Huron-Bruce): I'm very pleased to stand today and to speak on this opposition day motion, but I must say that I do find it very interesting that the member from Dufferin-Peel-Wellington-Grey is bringing this forward, as if he doesn't seem to understand why the state of our health care—so I say to the members, why is that? But your government is pleased to bring forward the answers today.

The McGuinty government, I believe, is doing an excellent job in turning things around. We are working very hard to provide the health care that Ontarians want and certainly need. We have funded our hospitals with \$11.3 billion in 2004-05, and might I say that that is \$700 million more than the previous government.

Not only are we providing funding for hospitals, but we are helping hospitals to get their budgets under control. I am very pleased to say that the seven hospitals from my riding of Huron-Bruce have all submitted balanced budgets. I know that this is just another step in the process of providing the health care, but I say to you that the hospitals have worked very hard to get to the stage they are at today. They understand that what people want and need is not only a health care system that will meet their needs, but a system that is accountable to the people of Ontario.

I just would like to take this opportunity to quote a couple of articles from the hospitals within my riding and things they have said about the funding that has flowed through, whether it be for medical equipment or for state of repairs, budgets etc. So if you would indulge me:

"This money will help the residents of west Huron come to a hospital that has state-of-the-art equipment without having to travel great distances."

It was the CEO who said this. "It recognizes the need to provide health care as close to home as possible. That's particularly necessary on a day like today when it would be difficult to get patients to other hospitals." This is from the Alexandra Marine and General Hospital. The board chair also went on to talk about the weather, because that day, as you know, Mr. Speaker, in my riding there was about an inch of ice all around and you couldn't go anywhere. But the diligent MPP that I am, I did make it.

I would also be pleased to say that, "Local hospital board members are breathing a collective sigh of relief after receiving a provincial commitment for half of the hospital's upcoming fire and safety line improvement costs."

These are just two quotes from our local papers, from some of my seven hospitals within the riding of Huron-Bruce.

The McGuinty government has been working very diligently to create a better health care system by

focusing on the health of Ontarians. We will be reducing wait times and we will also be increasing the number of doctors.

As you know, I come from a very rural riding, and access to doctors is very important, not only—

Mr. Richard Patten (Ottawa Centre): How rural is it?

Mrs. Mitchell: The most rural in Ontario. Thank you.

In my riding of Huron-Bruce, over 90% of my riding is designated underserved. That is what we bring to the table: seven hospitals, and a designation of being underserved throughout the riding. So when we talk about the new initiatives to have more of our family doctors come forward in Ontario, it's very important to rural Ontario, and the fact that the training spots for international medical grads has risen from 90 to 200 and residency positions have increased, and the agreement with the OMA. Those are all things that are very important to our rural communities.

I am so pleased about our family health teams: 150 across Ontario. I can tell you that rural communities are anxiously awaiting the announcements on the health teams. I would like to take the opportunity to quote the chief of staff from Seaforth about family health teams and what his thoughts are: "The big payoff of family health teams will be improved health and less need for hospital services. It is more preventative and it will have benefits locally." I can say to you that our commitment to the health teams from the rural communities remains solid.

Making Ontarians healthy is also a key health initiative of our government. We have renewed our commitment to public health. We are vaccinating two million children free of charge against pneumonia, chicken pox and meningitis, and we have introduced a smoke-free Ontario.

The health care system will not be fixed overnight, but I am proud to say that this government is committed to delivering quality health care services and to the health of Ontarians. We are striving for a dependable system and one that will be there for generations to come. In the short time that we have been in government, we have accomplished a great deal, but far more exciting, I believe, is what will happen over the next two and a half years. The people of Ontario are anxious for that to come forward.

Ms. Laurie Scott (Haliburton-Victoria-Brock): I am pleased to rise today to speak on the motion by the opposition to ensure that Ontario hospitals are given adequate, stable, multi-year funding. Hospitals are having a difficult time coping with the demands that this government has made on them. On the one hand, they are making more cutbacks—the minister has asked them to—with a whole new set of rules. But this minister has not committed to providing hospitals with the one thing the hospitals have been asking for, and that is, they want to know when they are going to receive the funding, when it is going to be.

In my riding, the hospitals are stretched to the limit to meet the needs of their patients. The Peterborough

Regional Health Centre recently announced 75 layoffs in order to meet the fiscal targets they were given. People are lying on stretchers in the hospital hallways. I know our leader has visited there and has seen it first-hand. They need to know what support they can expect from this provincial government, and they need to know it now. They need to know what they are providing in funding so they can keep their nursing staff. Statistics show that if you decrease the number of nurses, you increase patient mortality. The ONA put out a press release: "Nurses feel betrayed by the McGuinty government."

1720

The Liberals have promised to reduce wait times across the province for a variety of procedures, but we are worried that this is nothing more than rearranging existing resources and that while wait times for some procedures may go down, others not on the Liberals' protected list may go up. I don't think this is what Ontarians want to see. Hospitals should not have to make choices regarding which procedures will face increased wait times.

Another concern I have is the government's report on LHINs. The recent report on wait times compares times within each of the 14 new LHINs that are coming out. My LHIN, central east, the largest one in Ontario, includes Scarborough as well as Haliburton. I'm not convinced this is the best way to measure wait times for the communities in my riding, when you compare them to communities like Scarborough. It's vital that the government rely on measures that give them an accurate picture of where the delays are and where they need to focus their resources.

I think it's time for the government to commit to the people of Ontario that they will not shortchange hospitals or nurses, or trade one type of wait time for another. I urge the members of the opposition to stand up and support this motion today.

Mr. Bob Delaney (Mississauga West): I'm pleased to speak on this resolution by the opposition, which I would like to call the "We're trying to wash our hands of our own past" resolution.

How come Ontario's hospitals didn't have stable, multi-year funding until our government took office in 2003? Because the previous Tory government, the Harris-Eves regime, fired nurses, slashed budgets, closed hospitals, increased wait times, decreased access to doctors, chased away good managers and began the drift toward privatization, a drift that has now become a torrent with the issuance today of a joint report by Preston Manning and Mike Harris calling for the federal government to get out of medicare, abolish the Canada Health Act and let the provinces privatize health care.

What a difference an election makes. Well-run hospitals, like our own Credit Valley Hospital in Mississauga West, are now being rewarded rather than penalized for their managerial competence. Credit Valley has received nearly \$1.3 million in new money to enhance organ donation and ease service pressures.

Credit Valley has received \$2 million in new money for an MRI-compatible physiologic patient monitor. Credit Valley has received more than \$163,000 of new money for patient-lifting equipment, and more than \$275,000 in new money for the purchase of new sterilization equipment and to control infectious diseases. For the citizens of Mississauga, Meadowvale, Streetsville, Churchill Meadows, Erin Mills and Lisgar, that's meant shorter waiting times.

Premier McGuinty and I stood at Credit Valley last year with many of the 50 new nurses hired by the Credit Valley Hospital. That's responsiveness. That's good government. That's 180 degrees different from the mismanagement and incompetence of the Tory Party in the Harris-Eves years.

Soon we will have our second provincial budget in about 11 months. Hospitals are receiving their allocations earlier. Bill 8, which John and the Tories opposed, offers Ontario's hospitals the multi-year stability they need to manage effectively. John and the Tories want the government to micromanage hospitals. They say, "Make sure no nurses are fired." Well, this government isn't going to emasculate hospital managers and shackle their human resources management.

To paraphrase the member from Leeds-Grenville, a Tory is a Tory is a Tory. Preston Manning is a Tory, and he's in favour of privatizing health care. Mike Harris is a Tory, and he tried to privatize health care. The opposition leader is certainly a Tory, and he's big insurance's next blue hope.

Ontarians cherish their health care. They don't want the bankruptcies that Tory-style privatizations will entail. Ontarians rejected the Mulroney boondoggles and the scandals of that era. They rejected the Harris confrontation and the Eves bungling. Ontarians will vote down this latest Tory albatross every time.

Ontarians want reliable, publicly funded, publicly delivered, responsive and modern health care, now and in the future. That's why their government in Ontario has delivered just that for a year and a half, and that's where Ontario is going to continue to go in the years to come.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I'd like to take just one minute to address the motion on the floor with respect to this government's trail of mismanagement, misdirection and promise-breaking, as we've just heard in the health care sector. I don't think I'm revealing any secrets when I say that government—indeed, leadership—is all about management and planning. It's about gathering all the information about the resources available to you and developing a sustainable spending plan. You have to plan. You have to ensure that your expenses don't outstrip your bank account. That's what we do every year at budget time. I should say, that's what some of us do every year at budget time, and I'm sure the public will find out soon enough that, when it comes to managing and planning a budget that doesn't dip into the red, this government, yet again, will not be up to the job.

The issues of management and planning are the same issues faced by hospital boards—in my area, Norfolk

General, Tillsonburg, West Haldimand, War Memorial Hospital, Brantford General—boards that are being told by this deficit-ridden Liberal government to “do as I say, not as I do.”

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): I’m pleased to stand in the House today and comment on the official opposition leader’s speech and also the comments made by the member from Renfrew–Nipissing–Pembroke.

It’s exactly what we expected from this former government, the Tory opposition people. One, we heard the grenade that came down from Ottawa today, the grenade that came from Mike Harris and Preston Manning. It certifies that these people are looking for a two-tier health care system. Why am I saying that? Because they said that, at the present time, people are waiting eight to nine months to get an MRI, but I wonder if they are not the people who created the eastern Ontario MRI on the Hull side. The government was extremely pleased to see our people move to the other side and get an MRI within three days at \$675.

Also, waiting time for knee replacement: Let me tell you, I have a Mr. Marion from Marionville—same name; he has waited 18 months to get a knee replacement. It’s a shame, really, what you have.

Today, we have invested for the future of our people, and we don’t believe in two-tier health care.

Another position: On the Hull side, they opened up a clinic—whoever wants to go—and they are going to expand. Do you know how much it costs to go over there? This is what I call a two-tier health care system. It is costing \$225 for a person to go and see a doctor on the other side. They are going to expand—now they’re coming, we should have that in Ontario. You know what that means? Seniors wouldn’t have access to any doctors because the doctors at the present time get something like \$28.50 per visit, which lasts about 10 minutes. In this case, they would get \$225, no matter if people are going for this.

Another case: When I look at what was going to happen under the previous government, when they said to the people, “We will cap the hydro, the electricity, at 4.3 cents,” again, we never got the right story. It did cost the taxpayers of Ontario over \$1 million, because you didn’t figure out how much it was costing. No wonder nobody wants to establish or open up a generating station in Ontario.

Mr. Ted Arnott (Waterloo–Wellington): I’m glad to have this chance to speak briefly in support of the motion being put forward on hospital funding. I must take this opportunity to inform the House of the exciting work that’s being done in Centre Wellington to raise money to redevelop Groves Memorial Community Hospital in Fergus, which will serve the health needs of our community for the next generation.

Mrs. Janet Vallery, the chair of the Groves Hospital Foundation, and her team of volunteers and staff have spearheaded an enormously successful fundraising effort

which has raised \$14.3 million—approximately 96% of their targeted goal of \$15 million.

1730

We were very encouraged recently by the visit to the Fergus hospital of the Ministry of Health’s director of capital planning, Bill Bailey. Our capable executive director, Carolyn Skimson, has been working closely with ministry staff to obtain approval for the next stage of the redevelopment project, which will allow the hospital to commence functional planning and design planning.

There is a strong sense of anticipation in our community, given the success of our local fundraising effort, and we are now waiting for the provincial government to do the right thing and allow us to move ahead. The minister can be assured that if our area is not treated fairly, he will hear from its member of provincial Parliament.

In conclusion, I will be supporting this motion to hold the government to account for its campaign promises on hospital funding, nurses and waiting lists, and I call upon the government to redouble its efforts to deliver the quality health care services Ontarians claim as their right.

Ms. Kathleen O. Wynne (Don Valley West): I’m happy to join in this debate. I think it’s a very serious issue.

I understand the job of the opposition, which is to hold the government to account. The Leader of the Opposition talked about disrespect of this place. One of the things that I think is disrespectful of this place is an opposition that, yes, tries to hold the government to account, but has no ideas, has no memory of how we got to where we are in this province and isn’t able to come up with suggestions that could actually provide for a debate that would allow some creation of a better solution.

When I look at this motion, it’s really a hollow shell. It doesn’t lay out what the plan could be or what the suggestions could be. So I don’t know what Mr. Tory stands for—except, as my colleague talked about today, we know for sure that the Conservatives in this country are not interested in public health care; they’re interested in privatizing. The Leader of the Opposition is on record as being supportive of private health care. I think we have to hold that in mind as we go ahead and implement our plans.

The Leader of the Opposition talked about us having no plan. I think we are nothing if not a government that has a plan. We have a plan to pull together the services across this province into local health integration networks and to coordinate the delivery of service. We have a plan, which over 200 communities have applied for, to put family health teams in place that will leverage the ability of our family practitioners to deliver service in this province and provide the access to a family practitioner that many people across the province don’t have at this point. In fact, during the previous regime, people lost access to family doctors.

So I think that to accuse us of not having a plan is really a hollow sort of accusation. The reality is that

we're the first government in many decades, I would suggest, that has actually looked at the health care system and has said, "OK, these are the pieces that we need to retool, and we're not just going to talk about retooling them." So we're not just going to close health care beds and hospital beds and not put home care services in place. We're actually going to increase home care, which is needed especially among our seniors. We've increased services to people who are staying in their homes.

We understand that in order to deal with the patient boom—Mr. Tory is a little bit younger than I am, but I'm part of the patient boom. I'm the baby boom that's going to become the patient boom. If we don't have a different way of delivering medicine in this province, we are not going to be able to deal with the problems that many of my colleagues and I are going to bring to the health care system.

The Leader of the Opposition talks in his motion about the delivery of funds to hospitals so they can plan. That isn't what happened in the previous regime. In the previous regime, hospital boards had to wait past their deadlines and in fact had to plan based on previous years' budgets. They didn't have access to their funds.

The Leader of the Opposition attempts to distance himself from the record of the Harris-Eves government, and I suppose that's the only strategy he can come up with at this point. But because this province needs to know what this opposition party has in store for them, the question I have to ask is, when they take \$2.4 billion out of the health care budget, what are they going to do?

We can't actually look back on the Leader of the Opposition when all the Harris decisions were being made, because he was very silent. Where was the Leader of the Opposition between 1995 and 2003? He's a well-connected Toronto person. Where was he when the Harris-Eves government was ripping the heart out of this province? He was silent. He was in a back room. He was not taking a stand.

So what we can look to this party for is an attack, but we can't look for a plan. We can't look for substance. We can only look for political gamesmanship, and that's not what this province needs. This province needs people who are thinking about the fact that family practitioners and surgeons need guidelines. They need to understand how they're going to deal with all the people like me who are aging, when there are more and more procedures available to them.

We need a plan in place, and that's what we are doing. We don't know where this man stands. We know that it's for private health care.

Mr. John O'Toole (Durham): After that outrage from the member from Don Valley West, I want to change the tone to patient focus. I can only think, with the rage that was being demonstrated here by the last speaker, of the hard work that's been done by Lakeridge Health, the hospital board, the volunteer board. This Thursday night, at this very time, the hospital is dealing with—

Interjections.

The Acting Speaker: Order, please.

Mr. O'Toole: —an \$18-million deficit. This inevitably means, under this government, cuts to services.

I can stand here today and tell you that I'll be supporting John Tory's resolution. With all the muster I can gather, I ask the members of government to listen and support this resolution. It's the right thing to do.

Mrs. Julia Munro (York North): I'm pleased to join in this opposition day motion today. Having sat here and listened to the members of the government try to provide revisionist history, it requires a response: \$10 billion increased spending on health care during the period from 1995 to 2003; a change from 11 cents on the federal contribution to 14. These are the facts that provided the kinds of changes we had in health care.

In supporting this motion, I phoned my local doctor and asked him about the kinds of situations he sees as a practitioner. He can tell me that emergency services now require a wait of eight to 10 hours, even for those patients who are significantly ill. Waiting after a radiologist's test means that a patient who was seen in emergency on March 20 has to wait until May 15 for a CAT scan. For the kinds of things we discussed, I asked him if things were worse than last year, and he said yes. He said that both doctors trying to see patients and hospitals trying to serve through the emergency services are overwhelmed.

When we look at the nature of the motion we are debating here today, I think there is clear evidence that the effects of the lack of planning of this government are very obvious in my community.

1740

Mr. Cameron Jackson (Burlington): First of all, I'd like to say that this isn't the first time that I and members of our caucus have been on their feet bringing to the attention of members of this House the concerns in our communities with respect to hospital funding. I can say that in the 21 years I've been in this Legislature, my hospital has stated publicly that this is the first year they've had to carry over a deficit. Even through the periods of time of a former Liberal government and a former NDP government, this is the first time they have had to carry these deficits.

Secondly, it has resulted in severe cutbacks. The total number of beds that were allocated under the restructuring commission for our community was 85 beds. Not only did we not get the 85 beds, but 25 beds have been shut down. They're there; I was there looking at them the other day. What happens when you don't fund, as a government, 24 beds in a community that's growing as rapidly as Burlington? You force the cancellation of surgeries and you force longer waiting lists. We've had more surgery cancellations at Joe Brant hospital in the last three months than in the entire last 10 years. This matter is serious. Quite frankly, the issue of resourcing our hospitals is growing to a critical level, especially in the growth areas of the 905.

I want to put on the record how vitally important this is to our community and communities all across Ontario, that our hospitals get resourced properly. I know we need

to get more money from the federal government. We know we need to look at our priorities and re-examine better ways to make them efficient, but the bottom line is, people are living longer. They are coming with more acute illnesses. The technology to serve them is more expensive. The availability of doctors is down. These are the challenges. In the short term, until the master plan, whatever it is, is revealed to us, the fact is, we're going to need more money in order to ensure that these services are done properly.

I wanted to put that on the record. I support my leader and the fact that health care is such a priority for all members of this House, but particularly on this side of the House.

Mr. Jim Flaherty (Whitby-Ajax): I'm honoured to have a few minutes to speak to this motion, which is vitally important for the people of Ontario. It's certainly vitally important for the people of Durham region.

Lakeridge Health, in its many sites in Durham region, was created following the idea that a regional hospital would provide better service for people, and people sacrificed all across Durham region to create the regional hospital. They gave up on some of their local services. The whole idea was that a regional hospital system would serve the people better, and in fact it has. More than that, the volunteer board of directors of Lakeridge Health, a multi-site hospital health centre, balanced the budget. They bit the bullet. They made the difficult decisions that Premier McGuinty talked about today, making difficult decisions. They made those decisions. Their reward has been their increase this year—this is after they did the right thing. Lakeridge Health received less than a 1% increase, when our costs are going up by 8%.

What does that mean for the people of Durham region? The highest growth area, not just in the province of Ontario but in our entire country, is Durham region. A tremendous number of young families, a multi-site hospital—I asked the Minister of Health about additional funding for multi-site hospitals because it's more expensive to run a multi-site hospital, and he said that was something they were going to look into. They haven't done it. Huge growth, multi-site, many young families—less than 1%. The consequence of that tomorrow night will be released in Port Perry when the hospital officials, including the CEO, will be obliged to follow through on layoffs, including layoffs of nurses.

So thank you very much, Liberal government. Thank you for what you've done to the people of Durham region. The highest growth area in the entire country, all of the young people, all of the children, all of the hard-working taxpayers; what they get, once their board of directors did what it should have done and the administration balanced the budget, is a slap in the face: higher taxes and less service. Thank you, on behalf of the people of Durham region, for treating them with such disdain in terms of health services.

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate on the motion that has been put forward by my leader today. I believe that if the Liberal government and Premier McGuinty vote against this

motion today, it will send a strong signal to health stakeholders and the people in this province that when they introduced Bill 8, there was indeed a hidden agenda to cut programs and to cut services—and we're seeing that.

Last fall, hospitals were asked to submit their balanced budgets—balanced budgets that would mean that if they were going to be balanced, there would be program cuts, program reductions and the need for firing staff. Well, we saw this Liberal government in action in the winter of this year when they announced there would be \$91 million given to hospitals to fire staff—787 nurses. Unbelievable. This from a government that in the election promised people that they were going to hire an additional 8,000 nurses. Can you imagine the shock of people in this province, the shock of people in the hospitals to see this firing of 700-plus nurses? Unbelievable—and it gets worse.

Last week this minister of health mused—and again, we now know there is a hidden agenda. They have refused to release the balanced budget proposals from the hospitals despite the fact that they talk about democratic renewal and despite the fact that they talk about transparency. Now we see this minister muse about the fact that he's going to consolidate services.

Does this mean that the people in Georgetown, who had thought that they were going to lose their obstetrics unit, are again going to have to fear its removal? Does this mean that we're going to see cancer, radiation and chemotherapy services removed from hospitals and moved to other communities? Do people now have to live in fear that cardiac services and dialysis are going to be taken out of their community, services that our government worked so hard to bring close to home? I would suggest to the people in the province of Ontario that that is exactly what is going to happen. We are going to see the consolidation of services. We are going to see the reduction of programs and services in rural communities and small communities throughout Ontario. There is a hidden agenda, and the agenda is, despite the fact that people are paying \$2.4 billion more in an illegal health tax, they are going to see fewer services, we are going to have fewer nurses and we're going to have fewer health care professionals. So if you vote against this motion today, it confirms that this government has a hidden agenda to reduce health services for people in the province.

The Acting Speaker: It now being 5:50 of the clock, it's time to call the question. Mr. Tory has moved opposition day number one. Is it the pleasure of the House that this motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Would you please call in the members; a 10-minute bell.

The division bells rang from 1748 to 1758.

The Acting Speaker: All those in favour will please stand and be recognized by the Clerk.

Ayes

Arnott, Ted
Baird, John R.
Barrett, Toby
Chudleigh, Ted
Flaherty, Jim
Hampton, Howard
Hudak, Tim
Jackson, Cameron

Klees, Frank
Kormos, Peter
Martel, Shelley
Miller, Norm
Munro, Julia
Murdoch, Bill
O'Toole, John
Ouellette, Jerry J.

Runciman, Robert W.
Scott, Laurie
Sterling, Norman W.
Tascona, Joseph N.
Tory, John
Witmer, Elizabeth
Yakabuski, John

Brownell, Jim
Cansfield, Donna H.
Caplan, David
Colle, Mike
Crozier, Bruce
Delaney, Bob
Dombrowsky, Leona
Duguid, Brad
Flynn, Kevin Daniel
Fonseca, Peter
Gerretsen, John

Matthews, Deborah
Mauro, Bill
McNeely, Phil
Meilleur, Madeleine
Mitchell, Carol
Mossop, Jennifer F.
Oraziotti, David
Parsons, Ernie
Patten, Richard
Peterson, Tim
Phillips, Gerry

Ruprecht, Tony
Sandals, Liz
Sergio, Mario
Smith, Monique
Smitherman, George
Sorbara, Gregory S.
Van Bommel, Maria
Wong, Tony C.
Wynne, Kathleen O.
Zimmer, David

The Acting Speaker: All those opposed will please stand and be recognized by the Clerk.

Nays

Arthurs, Wayne
Bartolucci, Rick
Bentley, Christopher
Berardinetti, Lorenzo
Bradley, James J.
Broten, Laurel C.

Hoy, Pat
Jeffrey, Linda
Lalonde, Jean-Marc
Leal, Jeff
Levac, Dave
Marsales, Judy

Pupatello, Sandra
Qaadri, Shafiq
Racco, Mario G.
Ramal, Khalil
Ramsay, David
Rinaldi, Lou

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 23; the nays are 50.

The Acting Speaker: I declare the motion lost.

It now being after 6 o'clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1801.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman
 Speaker / Président: Hon. / L'hon. Alvin Curling
 Clerk / Greffier: Claude L. DesRosiers
 Deputy Clerk / Sous-greffière: Deborah Deller
 Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
 Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative		Marsales, Judy (L)
	Prue, Michael (ND)	Hamilton West / Hamilton-Ouest	
Beaches-East York / Beaches-York-Est		Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)		Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)		Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	
Burlington	Jackson, Cameron (PC)		Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)		Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener Centre / Kitchener-Centre	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Kitchener-Waterloo	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Lambton-Kent-Middlesex	Matthews, Deborah (L)
	Wynne, Kathleen O. (L)	Lanark-Carleton	
Don Valley West / Don Valley-Ouest		Leeds-Grenville	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London-Centre-Nord	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London West / London-Ouest	Ramal, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Markham	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
		Mississauga Centre / Mississauga-Centre	Fonseca, Peter (L)
Erie-Lincoln	Hudak, Tim (PC)	Mississauga East / Mississauga-Est	
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
	Cansfield, Donna H. (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke Centre / Etobicoke-Centre		Nepean-Carleton	Baird, John R. (PC)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Falls	Craitor, Kim (L)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Nickel Belt	Martel, Shelley (ND)
Guelph-Wellington	Sandals, Liz (L)	Nipissing	Smith, Monique M. (L)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Northumberland	Rinaldi, Lou (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Oak Ridges	Klees, Frank (PC)
Halton	Chudleigh, Ted (PC)	Oakville	Flynn, Kevin Daniel (L)
Hamilton East / Hamilton-Est	Horwath, Andrea (ND)	Oshawa	Ouellette, Jerry J. (PC)
		Ottawa Centre / Ottawa-Centre	Patten, Richard (L)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Stoney Creek	Mossop, Jennifer F. (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Stormont-Dundas- Charlottenburgh	Brownell, Jim (L)
Ottawa-Orléans	McNeely, Phil (L)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa-Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Thornhill	Racco, Mario G. (L)
Oxford	Hardeman, Ernie (PC)	Thunder Bay-Atikokan	Mauro, Bill (L)
Parkdale-High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Thunder Bay-Superior North / Thunder Bay-Superior- Nord	Gravelle, Michael (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Timiskaming-Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Perth-Middlesex	Wilkinson, John (L)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Peterborough	Leal, Jeff (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Pickering-Ajax-Uxbridge	Arthurs, Wayne (L)	Toronto-Danforth	Churley, Marilyn (ND)
Prince Edward-Hastings	Parsons, Ernie (L)	Trinity-Spadina	Marchese, Rosario (ND)
Renfrew-Nipissing-Pembroke	Yakubski, John (PC)	Vaughan-King-Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Sarnia-Lambton	Di Cocco, Caroline (L)	Waterloo-Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Sault Ste. Marie	Oraziotti, David (L)	Whitby-Ajax	Flaherty, Jim (PC)
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Willowdale	Zimmer, David (L)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	Windsor-St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Scarborough-Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough-Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président	York North / York-Nord	Munro, Julia (PC)
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)	York South-Weston / York-Sud-Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Simcoe-Grey	Wilson, Jim (PC)	York West / York-Ouest	Sergio, Mario (L)
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

TABLE DES MATIÈRES

Mercredi 13 avril 2005

PREMIÈRE LECTURE

**Loi de 2005 sur la municipalité
régionale de Peel**, projet de loi 186,
M. Gerretsen
Adoptée..... 6204

**Loi de 2005 sur le Fonds
de développement économique
de l'Est de l'Ontario**,
projet de loi 187, *M. Sterling*
Adoptée..... 6204

**Loi de 2005 modifiant la Loi
portant réforme du droit
de l'enfance**, projet de loi 188,
M. Craitor
Adoptée..... 6204

DEUXIÈME LECTURE

**Loi de 2005 modifiant des lois
concernant les relations
de travail**, projet de loi 144,
M. Bentley
Adoptée..... 6208

**Loi de 2005 modifiant des lois en ce
qui concerne l'exécution de la loi
et l'administration des biens
confisqués**, projet de loi 128,
M. Kwinter
Adoptée..... 6208

CONTENTS

Wednesday 13 April 2005

MEMBERS' STATEMENTS

Eastern Ontario development	
Mr. Sterling.....	6201
Royal Canadian Legion	
Mr. Arthurs	6201
Doctor shortage	
Ms. Scott.....	6201
Blue Man Group	
Mr. Marchese.....	6202
Tourism	
Mr. Leal	6202
Health care	
Mr. Runciman.....	6202
Mohawk College	
Ms. Mossop	6202
Vaisakhi	
Mrs. Jeffrey.....	6203
Federal-provincial fiscal policies	
Ms. Matthews	6203

REPORTS BY COMMITTEES

Standing committee on government agencies	
The Speaker	6203
Report deemed adopted	6203
Standing committee on social policy	
Mr. Racco	6203
Report adopted.....	6203

FIRST READINGS

Regional Municipality of Peel Act, 2005, Bill 186, Mr. Gerretsen	
Agreed to	6204
Eastern Ontario Economic Development Fund Act, 2005, Bill 187, Mr. Sterling	
Agreed to	6204
Mr. Sterling.....	6204
Children's Law Reform Amendment Act, 2005, Bill 188, Mr. Craitor	
Agreed to	6204
Mr. Craitor	6204

STATEMENTS BY THE MINISTRY AND RESPONSES

Electricity supply	
Mr. Duncan.....	6204
Mr. O'Toole.....	6206
Mr. Hampton	6207
Region of Peel	
Mr. Gerretsen.....	6205
Mr. Hudak.....	6206
Mr. Prue	6207

SECOND READINGS

Labour Relations Statute Law Amendment Act, 2005, Bill 144, Mr. Bentley	
Agreed to.....	6208
Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005, Bill 128, Mr. Kwinter	
Agreed to.....	6208

ORAL QUESTIONS

Hospital services	
Mr. Tory	6208, 6210
Mr. McGuinty	6209, 6210
Electricity supply	
Mr. Hampton	6210, 6211
Mr. Duncan	6211, 6212, 6214
Ms. Di Cocco	6213
Magnetic resonance imaging	
Mr. Yakabuski.....	6212
Mr. Smitherman	6212
Domestic violence	
Ms. Churley.....	6213
Mr. Kwinter.....	6213
Greenbelt	
Mr. Hudak	6214
Mr. Gerretsen	6214
Energy assistance fund	
Mr. Prue	6215
Ms. Papatello.....	6215
Health care	
Mr. Levac	6215
Mr. Smitherman	6215
Fishing licences	
Mr. Ouellette	6216
Mr. Ramsay	6216
Hydro rates	
Mr. Kormos.....	6216
Mr. Cordiano.....	6216
Consumer protection	
Mr. Fonseca.....	6217
Mr. Watson.....	6217

PETITIONS

Anti-smoking legislation	
Mr. Murdoch	6217
Physiotherapy services	
Mr. Duguid.....	6218
Landfill	
Mr. Barrett.....	6218
Anaphylactic shock	
Mr. Delaney.....	6218
Mr. Craitor	6219

Volunteer firefighters

Mr. O'Toole.....	6218
Optometrists	
Mr. Arnott.....	6219
Health care funding	
Ms. Scott.....	6219
Mr. Hudak.....	6219
Ontario farmers	
Mr. O'Toole.....	6219
Chiropractic services	
Mr. Arnott.....	6220
Mr. Hudak.....	6220
Student safety	
Mr. Flaherty	6220
Pit bulls	
Mr. O'Toole.....	6220

OPPOSITION DAY

Hospital funding, opposition day number 1, Mr. Tory	
Mr. Tory.....	6221
Mr. Marchese.....	6223
Mr. Fonseca	6226
Mr. Baird	6227
Ms. Martel	6228
Ms. Broten	6230
Mr. Klees	6231
Mr. McNeely	6231
Mr. Yakabuski	6232
Mrs. Mitchell	6233
Ms. Scott.....	6233
Mr. Delaney	6234
Mr. Barrett	6234
Mr. Lalonde	6235
Mr. Arnott.....	6235
Ms. Wynne.....	6235
Mr. O'Toole.....	6236
Mrs. Munro.....	6236
Mr. Jackson.....	6236
Mr. Flaherty	6237
Mrs. Witmer.....	6237
Negated.....	6238

OTHER BUSINESS

Visitor	
The Speaker	6207

Continued overleaf



No. 128B

N° 128B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 13 April 2005

Mercredi 13 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 13 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 13 avril 2005

The House met at 1845.

ORDERS OF THE DAY

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Resuming the debate adjourned on February 21, 2005, on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / *Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.*

The Deputy Speaker (Mr. Bruce Crozier): The member for Beaches–East York.

Mr. Michael Prue (Beaches–East York): On the last occasion, I started my speech by saying it was going to be bifurcated that is, split in two halves. Little did I know at that time how many weeks or months would go by between those two halves.

Just to refresh the memory of the people present, in the first half I talked about some potential problems with the bill that I would hope would be solved by the time it goes to committee and by the time the government has an opportunity to look at those changes that might be necessary.

The first one falls under the definition of what constitutes an enclosed structure, because anything with a roof now constitutes an enclosed structure. I asked the government particularly to look at the many retractable roofs that are now in and around Ontario. I have been to outdoor cafés and bars that have retractable roofs that go in and out, depending on the push of a button.

Mr. Bob Delaney (Mississauga West): What about the SkyDome?

Mr. Prue: The SkyDome is a perfect example. That's probably the largest retractable roof in Canada. In any event, it is not clear from the definition whether that will

be covered, and I am not sure that it should be covered. I'd just like you to look at that.

The second issue I talked about the last time was the section in the bill, which is a good section, where health care workers, people who go into nursing homes, do not have to, if they feel their health is being compromised, service the people who choose to smoke while they are in there trying to give health services to them. We agree wholeheartedly with that.

But there is a previous section to that which talks about hotels. It says that hoteliers can designate which rooms you can smoke in and which ones you cannot. There is no provision, and I think there should be, with the greatest of respect, for hotel workers who clean rooms to also refuse to go into rooms in which there has been a lot of smoking taking place, or where people are smoking while they want to go in to work. It is not without the realm of possibility that people go in to clean a room, and the person does not want to vacate the room and continues to smoke. I think the rule that is good for health care workers should be extended to those who work in the hotel industry. I know, and the minister would know, that if you have a room where there was a big party the night before that was filled with smoke, and you have to go in to clean it in the morning, you will be breathing the same fumes that one could expect a health care worker to encounter going into a house where a lot of smoking was going on just prior to their arrival.

The third potential problem we see with the bill has to do with child care facilities, those in which people are allowed to smoke, because it is their home, at all hours when the facility is not in operation. We think a very close look should be taken at this. It may even be necessary to unlicense them. I know this is a radical step, but you cannot expect children, who are the most susceptible to cigarette smoke, to go into a home in which people are smoking all of the remaining 16 hours of the day when the child care operation is not taking place. Those carcinogens remain in the air. I think that too needs to be looked at, because that is quite a lacuna in the law. If we need to protect anyone, we need to protect the most vulnerable, those children in child care usually between the ages of two and five.

1850

That's what I talked about the last time, and in the seven minutes or so remaining today, I want to talk about three other aspects of the bill which I think others have touched on. The first is compensation for farmers. I think in that period between when I spoke the first time and now, there has been some compensation made under a

different act, so I'm just going to leave that, provided the farmers are compensated adequately to get out of the tobacco-growing industry. We think that will be adequate. They have given a number of some \$50 million, which will allow them to diversify into soybeans, peanuts or any other crop that will be better for the people of Ontario. That needs to be done.

The second aspect I need to talk about today has to be the potential compensation for those people who have invested, in many cases, their life savings in new restaurants or in separately ventilated smoking rooms. Many municipalities, including this one—Toronto, Hamilton, Burlington and a whole host of others—have passed legislation which allows for separately ventilated smoking rooms. They are allowed to exist for a finite period—in the case of Toronto, it will extend till the year 2008; in the case of Burlington, till 2009; in the case of Hamilton, till 2010—whereby people made an economic decision to build these separately ventilated smoking rooms under the law's extent at that time, in the municipalities that passed them.

Some of these smoking rooms cost the owners a lot of money. People invested their life savings in them with the expectation that they were going to recoup the money up until such point as the law ceased to exist and the room no longer had to be separately ventilated. I have some considerable sympathy for them, not for the cause of smoking, not for the fact that people are smoking, but for those people who made a decision in good faith based on the law as it existed at that time.

I am asking the minister and the committee, when they deal with this, to look very carefully at whether or not we want to simply outlaw them all in the year 2006. Of course, we can do that. The Legislature can do that. But there are two things that happen when you do that. First of all, you get people very angry, because they are potentially going to lose a lot of money that they have invested. The second thing is that you invite, and can probably expect, a number of legal challenges through the courts as to how the legislation is adversely affecting them, how they are in compliance with one law and then find themselves overruled by another.

I do not believe this ought to be challenged. If the legislation would permit it—where there is an existing bylaw somewhere else in a city in Ontario that preceded the coming into force of this act, where the structure was actually built prior to the introduction of this act and where it was in all ways compliant with the existing bylaw of the municipality—it should be allowed to live out the term, whether that year be 2008 in Toronto, 2009 in Burlington, 2010 in Hamilton, or whatever other bylaw existed to cover these separately ventilated smoking rooms.

I say that only because I want the people of Ontario—all of them, the majority of them, or as many as possible—to welcome the smoking bill, to say that this bill to outlaw tobacco in public areas is a good and reasonable thing. If you have people saying, "I've invested my life savings and I'm going to lose my life

savings," then you're going to have a whole subclass—and they're going to have supporters—of people saying that this is not where we should be going.

I'm asking the minister and the committee to look very carefully at—not that they be grandfathered, but that they be allowed to live out the term and the existence as set in the municipal bylaw with which they were compliant.

The last two minutes I want to give to the Royal Canadian Legion. I am a proud member, but an associate member, of the Royal Canadian Legion, branch 10, in East York. It is a thriving little institution. It has about 1,000 members. I think only about 200 are actual full-fledged members. In fact, that is what's happening in most of the Legions around Ontario and around the country. The average age of the legionnaires—those who actually served in armed conflict, usually the Second World War or Korea—is now approaching 84. It's 83 point something; it's really getting there. And the number of actual members—not associate members like me, but actual members—is declining with great rapidity.

At the beginning of this year, we had four Legion branches in Beaches—East York; we now have three. One of them has closed because the membership quite simply cannot continue to keep the institution viable. One of them has had to put their place up for sale. The other three are very nervous about this bill. They are very nervous that if they were to lose any of the membership of the old legionnaires—the people who are the mainstay, who have spent their lives in those halls—they too will be forced to close.

They have asked me to convey to the minister and to the Legislature a request, and the request is a very simple one: that they be extended beyond the year 2006—not forever, but perhaps in compliance with whatever the municipal bylaw is on separately ventilated smoking rooms. If we're going to extend that for a legal reason to a restaurant, might we also consider doing the same thing for the Royal Canadian Legion? At some point, there are not going to be actual members left. That day is fast approaching, and we can't do anything to stop that. I don't want to extend the law to associate members like me who are merely the children and grandchildren of those who served, but the actual members themselves have that request, and I am conveying it today. I hope the minister hears it.

The Deputy Speaker: Questions and comments?

Mr. Mario Sergio (York West): I think every member of the House agrees that this is an issue that must be dealt with. I sympathize with the comments by the member from Beaches—East York that we should look at it and relook at it and whatever.

The only way we can do that, and not only satisfy the request of some members of the opposition but also some members of the general public out there, is indeed to get this bill through this House on second reading approval and send it on so we can indeed come back—first of all, go to the public and see what we can get from them, what recommendations we can bring back to the House, and deal with it.

This is not a smoking issue alone. It is a health issue, and every member of this House knows how devastating it is not only in terms of money, the billions of dollars which it costs our government and our people in Ontario, but it costs lives. When people say, "Well, jobs are going to be lost and businesses are going to close down," I remember some 20 or 25 years ago, when we were debating this same issue on the old North York city council. I go today to any doughnut shop, if you will; there are more line-ups and more people in coffee shops now than ever before. So that fear is totally unfounded. I think it is an issue that we have to deal with, and the only way we're going to do it is by getting the members of the House to approve second reading, go to the public, and bring it back and finalize. I hope indeed that is what we will do.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): The member from Beaches-East York talked about designated smoking rooms and the issue with tobacco farmers. I appreciate the amount of work that the NDP has done with respect to this issue.

We heard mention of the "compensation" word as well. We would ask this government to take a look at the British Columbia approach to reducing smoking in that province. They brought in legislation somewhat similar to what we're debating this evening. Within two months, they made some amendments to permit restaurants to have the option of going totally smoke-free, to serve those customers who do not want to be exposed to smoke at all. They also gave restaurants the option of keeping their designated smoking rooms, giving them the choice of serving customers who either wish to smoke or not.

1900

This was done, as the Minister of Health would know, through the workers' compensation system in British Columbia, where employees are limited in the amount of time they spend in designated smoking rooms. As the minister will know, these smoking rooms are ventilated. When you put in a ventilation fan, you have no second-hand smoke. It goes out through the fan.

The member for Beaches-East York made mention of the plight of our farmers. I commend the NDP for being on top of this file. As everyone here would know, governments, both federal and provincial across the Dominion of Canada, bring in well over \$8 billion a year from this particular product. Whether they talk about banning it or not, they are very much content to continue to bring in the tax money. All we're asking for is compensation for farmers to allow them to leave the industry with dignity.

Mr. Delaney: Let's start this response with what we know. Second-hand smoke kills. You are just as dead if you died of cancer from breathing the air in a smoky room as if you died from inhaling the smoke from your own cigarette.

Bill 164 says it's time for Ontario to go smoke-free. More than four out of five Ontarians agree. It used to be—in fact, it still is, until the passage of this bill—that

unless there was a specific law, bylaw, ordinance or other stricture that said you couldn't smoke, then you could.

Bill 164 reverses that paradigm. It says that unless there's an exception to the rule that says you can smoke somewhere, and there are very few such exceptions, you can't. The default is that Ontario is going to be smoke-free. You can't advertise tobacco products. There are now few places where you can use tobacco products. Ontario is inexorably moving toward a future in which nobody smokes.

Smoking is by far the single largest preventable cause of death in Canada. There's no longer any doubt about how lethal smoking is. Some proprietors talk about retaining designated smoking rooms. A study in York region found that about 70% of the so-called designated smoking rooms simply didn't work. So we have proprietors who say, "I'd like to market to a segment of that market, which is maybe 15% or 20% of the total, and I want to be able to retain my designated smoking rooms," and those who have said, "This is a declining segment. I want to make my facility family-friendly and smoke-free. Those are the people I want to market to."

We're out to reward the people who have done well, the ones who are promoting smoke-free environments, the ones who are trying to make Ontario healthy. That's among the strengths of Bill 164.

Mr. Gilles Bisson (Timmins-James Bay): I just want to say, first of all, I support the concept of having a provincial rule when it comes to smoking as it applies to municipalities. Part of the problem we've got is that each municipality has a different rule, especially when you've got municipalities that are next to each other. It creates a bit of havoc. I just want to say on the record, I'm in favour.

But the member from Beaches-East York raises a couple of issues that I think the government needs to think about once we get into committee. One of them is the old issue of compensation. We all have municipalities in our ridings that have passed bylaws that say no smoking unless you're in an approved smoking area with proper ventilation etc. Municipalities passed bylaws and bars or restaurants, whatever it might have been—normally it's bars, not normally restaurants, in my riding—basically went out and spent money to retrofit their establishments. In some cases, they spent lots of money—we're talking in the tens of thousands of dollars and hundreds of thousands, depending where you are—to meet the requirement of a municipal bylaw.

All I'm saying, and I repeat what my good friend from Beaches-East York said, is that we need to have some sort of mechanism that either compensates these people because they spent money based on what the municipal law was, or we have to have some sort of grandfathering that gives them some time to recuperate the dollars that they invested in those particular establishments. That's one of the issues.

The other one is the Legion. I agree completely with the member from Beaches-East York. I go into the Legions. There are not a lot of vets left at our Legions.

They like to go there during the afternoon and have a beer or whatever it is they'd like to have, smoke a cigarette or two or 10 or whatever it might be. Listen, they earned the right. They went out and they served this country. They were given cigarettes in their K-rations when they went out and served in the Second World War and the Korean War. Basically, we should try to exempt Legions. There are not a lot of these legionnaires left. In 10 or 20 years, we could be in a position where Legions' rules can be changed, but at this point I think we need to do what the member from Beaches—East York says.

The Deputy Speaker: The member for Beaches—East York has two minutes to reply.

Mr. Prue: I thank the members from York West, Haldimand—Norfolk—Brant, Mississauga West and Timmins—James Bay for their very helpful comments.

I agree with the member from York West that this should go to committee. In fact, when I started my speech several weeks or months ago, that was not going to happen, or at least we didn't know it was going to happen. We now know it is. My criticisms are all constructive as to how the bill can be changed for the better in committee, and I agree with him that it is a health issue.

The member from Haldimand—Norfolk—Brant, although I thank you for being so kind to me, I have to tell you that I do not believe that a separately ventilated room protects the workers or the people who are in it. There is no question in my mind that the smoke is not entirely ventilated. The people who work there are at some health risk. The only question is, how fast can we shut them down without causing compensation issues and the like, or being sued? To my mind, they have no case whatsoever if you let them live out the terms of the municipal bylaw and the contract they signed with the municipality. That's the end of the story. At the end of that time, I would close them all—quite frankly, just close them all—on the day they're supposed to be closed. To do it before, though, invites lawsuits and civil disobedience, because the people who go there, the people who obeyed the law—I don't want to see them civilly disobeying this. I lived through that in the city of Toronto with its ill-fated bylaw and North York with its ill-fated bylaw. The only one that worked was the one from East York, quite frankly, where we banned smoking altogether. That's the only one that worked.

From Mississauga West, I agree that this is a huge problem.

From Timmins—James Bay, as always, I thank him for his comments. But I don't think that 10 or 20 years are going to be necessary for the actual members of the Royal Canadian Legion. The average age is 83. My Legion branch, which is a very big one, has only 200 members left. I don't think it's going to take any more than a year or two, in compliance with the municipal bylaws for separately ventilated rooms.

The Deputy Speaker: Further debate?

Mr. Norman W. Sterling (Lanark—Carleton): Now that we are over seven hours of debate, I would ask,

perhaps as the first legislator in Canada to ever introduce a bill to protect people from second-hand smoke in December of 1985, that I be given 20 minutes to speak rather than 10. I would ask unanimous consent.

The Deputy Speaker: The member for Lanark—Carleton has asked for unanimous consent that he be given 20 minutes.

I heard a no.

Mr. Sterling: I'm really disappointed, particularly by the government not allowing me to fully explore this issue and talk at length about this issue. I really am disappointed. In fact, I'm in favour of the bill, notwithstanding the government's objection to my speaking.

In 1985, I introduced the first bill to protect people from second-hand smoke in public places across this province. It was Bill 71. The public response to that bill was overwhelming: 30,000 people from across Ontario signed a petition, without any work on my part, to support my Bill 71. It passed in the 33rd Parliament of Ontario. This is the 38th Parliament of Ontario that we now sit in. It passed on a private member's bill. It received second reading, but the government of the day, the David Peterson government, did not call it for third reading.

1910

In the 34th Parliament, I introduced yet another bill, Bill 157. That bill also passed. It was not an act to control smoking across all of Ontario, but it was a bill to authorize municipalities across Ontario to make bylaws to control smoking in public places and in the workplace. I lamented at that time that I had to bring forward a bill that indeed led to patchwork, but the government of the day at that time, quite contrary to the existing government, indicated that they would not support a province-wide law. They wanted a law which was made patchwork, quiltwork, across Ontario. At that point in time, there were three municipalities, the city of Toronto being one of them, which had passed municipal bylaws to control smoking in public places, but I was more concerned about controlling smoking in the workplace, because we shouldn't force people to inhale second-hand smoke in the workplace. That law came into place much, much later than I would have desired at the time.

I would like to indicate the sentiments of the members who spoke in the debate on Bill 157, which occurred on November 10, 1988. Those sentiments were that we definitely needed this kind of law so that municipalities could pass this no-smoking-in-the-workplace law, since the province at that time was not ready to go forward. Mr. Bob Rae, who became the Premier after 1988, as you know, expressed some concern with the fact that people who were smoking were addicted to this particular behaviour and that there had to be some kind of accommodation for people who were heavily addicted to nicotine. I learned, over my interest in this issue, which I have carried on now for over 20 years, that even the people who are involved with the Addiction Research Foundation will say to you or to me that people who are addicted to tobacco have a more difficult time breaking

this addiction than those people who are suffering from addictions to drugs or alcohol. So the addiction is great.

I think when legislators try to grapple, as we are today, with this issue—and take another step, which I support—we should go across this province. We have to think about the accommodation of people who are addicted to this terrible substance.

I also note with great empathy the issue of tobacco farmers. I'm glad that the province has made some accommodation for tobacco farmers. I am told that that is not working out, as it is inadequate in the scope of the particular accommodation for our tobacco farmers.

Interjections.

Mr. Sterling: The amount of revenue which the government attracts out of this particular subject is so great that the amount that is being offered in compensation, I think, could be better. In fact, I made the same speech in 1994 when the NDP were in government, and I made the same speech with regard to the previous government in 1988 and 1989 when this issue was raised.

My hope is that we would have nobody in Canada producing tobacco. Then the tobacco industry will not have, on their side, the agricultural community. I think it's necessary to transfer the Ontario agricultural community from where they are to where we would want them to be. I would like no one in Ontario growing tobacco. Even—and I would really love this to happen—if Ontario became tobacco-free, I don't think we should grow tobacco in this country and export it to another country where people might suffer health consequences as a result of a product that we produced here in our province of Ontario.

I really do believe that when we make these shifts, it's incumbent on the government to ensure that those people who have relied on this particular product are dealt with in a fair and equitable manner. I think the government has to go an extra step in order to transfer from where we are to where we should be.

I empathize very much with the remarks of the member from Beaches–East York with regard to those people who have complied with the law and put in certain accommodations for smokers in their establishments. I also believe that we should accommodate those people who are running Legions and are involved in Legions. I don't think that we should, as legislators, necessarily be over-restrictive as to how we deal with this situation as long as we can enforce a law which ensures that no worker, be it a bartender, be it a waitress, a waiter or whatever, has to go into an area where there is second-hand smoke. If it can be accommodated some other way, then I think we, as legislators, should allow that freedom to exist in our society. Because of our very severe weather in the winter, we should allow some kind of accommodation for people who wish to smoke. I think that accommodation can be found. While I hesitate to put it forward, I think that some kind of formulation of what the British Columbia government has done should be instituted here in the province of Ontario.

I generally believe that we, as legislators, shouldn't restrict people who cannot exist without this particular

substance. I have never smoked in my life. I don't understand the addiction to nicotine, but I do know that some people in our province have no chance of kicking this habit, whether they would like to or not.

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: In respect of the member's long-standing work on this particular file—and I know it is quite some time—I would ask for unanimous consent for the member from Lanark–Carleton to receive up to five more minutes.

The Deputy Speaker: The member for Brant has asked for unanimous consent that the dean of the House, the member for Lanark–Carleton, be given five more minutes. Agreed? Agreed.

Mr. Sterling: I appreciate the opportunity to say a few more words.

Over the past number of months, I have attended a number of the high schools in my area, in the former city of Kanata, now part of the city of Ottawa, and I've engaged in a very serious debate with those high school students about this piece of legislation. I think it's important for young people to get engaged in a serious issue, and this is a serious issue. I've tried to engage them not only in the positive, hard, cold fact of yes or no to this legislation, but I've tried to talk to them about the other issues, some of which I've just recently remarked on.

There's no question in my mind that society is turning away from smoking. When I first talked about this in 1985 and 1986, many of my colleagues from both sides laughed at me because I was being so adamant about my particular position. It wasn't very popular at that point in time, but it has become more popular. It has become more of a societal norm, and I believe that as we go forward it will continue to lessen in its effect. However, as I said before, we have to be ever-vigilant about the fact that it is a very addictive drug. If we can prevent the younger people from doing this, it's very important.

1920

To the young people of All Saints Catholic school in Kanata and Earl of March Secondary School, and to the students from West Carleton, I congratulate them on their interest in this issue, but I also want them and us in this Legislature to take this bill to committee and see if in fact we can accommodate some of those things that the member from Beaches–East York talked about in his remarks as well.

When we talked about this issue back in 1989, when the then Minister of Labour, now the Minister of Finance, was carrying the first provincial law with regard to this whole matter, I brought forward in committee of the whole House a number of amendments to his bill. Unfortunately, those amendments were not listened to by the then government.

It was interesting that the first bill to control smoking in the workplace didn't have any kind of need to separate non-smokers from smokers. I can remember drawing on my desk, or bringing out a roll of tape on my desk, and showing that the person sitting right next to me could be

a smoker—that that could be designated as a smoking section and this could be designated as a non-smoking section, and I would have to suffer because of the fact that they had designated this section one way and the other section the other, and there was no physical barrier.

I tried to amend the bill to have at least a physical barrier, and that was not accepted. Forty-nine members of the government voted against that, and there were only four who voted in favour. We were very small numbers in the opposition. But I was right, and history has proved me right, with regard to that. That was the extreme in the other regard.

I only ask the health minister, who is here tonight—and I thank him for being here tonight to listen to this debate—that he be reasonable and that we try to be reasonable in this legislation, that we allow people who are addicted to this substance some modicum of respect, notwithstanding that they have developed this addiction to nicotine. I ask as well that he consider very seriously the remarks of the member from Beaches–East York with regard to compensation for those people who have followed our municipal bylaws and have built rooms and expended significant amounts of money to comply with the law.

I ask lastly that they enrich their help for tobacco farmers so that we have nobody in Ontario growing tobacco and that we will never face the dichotomy we still face today: that the tobacco companies that are supporting the continued use of tobacco can rely on our agricultural community to come to their defence. If we do away with the farmers, they will never be able to rely on that support in future debates.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): On a point of order, Mr. Speaker: I've been enjoying this so much. Could we get unanimous consent to allow the member to speak all night?

The Deputy Speaker: The member for Renfrew–Nipissing–Pembroke has asked for unanimous consent that the member for Lanark–Carleton be given the opportunity to speak the rest of the night.

I heard a no.

Mr. Sterling: On the same point of order, Mr. Speaker: I want you to know I said no as well.

The Deputy Speaker: I think that was the no I heard.

Questions and comments? There being none, further debate?

Mr. Bisson: First of all, I appreciate the comments that are being made in this debate. I think we're generally coming from the same direction on this, and that is, we're beginning to recognize that on this particular issue it probably makes a lot more sense that we have a generic provincial law when it comes to the question of how we're going to treat smoking in establishments and in public places across Ontario.

We've all had in our particular constituencies, and in ridings like mine, where I have multiple municipalities, a situation where one municipality has one bylaw, somebody has another bylaw, one community allows smoking in this particular situation and the other one doesn't. It

becomes a bit of an issue in regard to the competition for clients between various establishments, depending on what municipality you live in. I agree with the idea that we should have one provincial law.

I want to say for the record, I understand, for those people who are smokers, this is a hard one to take. I want to tell people that I used to be an avid smoker. I used to smoke a pack and a half to two packs a day about 15 years ago, or I should say, about 65 pounds ago. A whole bunch of us around here know what that feels like and we know the extra weight that burden carries.

Anyway, I just want to say, I understand how difficult it is, because I was an avid smoker. I used to smoke a pack and a half a day. I could never understand why it was that those pesky non-smokers were trying to give me a hard time about enjoying my cigarette under my own terms. I didn't understand when they said this stuff smells and reeks, until I quit smoking. It actually took a while—it probably took a number of years—before I got to the point of understanding that it's intrusive to other people who don't smoke, especially in places like restaurants or places where we have kids. So I just want to say, I've kind of come 180 degrees on this particular issue because of the experience that I had being an avid smoker about 15 years ago.

By the way, I quit on a Weedless Wednesday. This is an interesting story. Elected in 1990; Weedless Wednesday Challenge 1991, and the Porcupine Health Unit said, "Will you participate?" I said, "Sure, I'll participate." I quit and I've never smoked since. Can you believe it? I know it's tough to quit.

Mr. Delaney: What did you win?

Mr. Bisson: I just did it cold turkey.

Mr. Levac: You didn't win anything?

Mr. Bisson: I didn't win anything. I got my health. What else do I need? I've got to tell you, I probably wouldn't be here if I kept smoking a pack and a half a day, given my lifestyle.

I just want to say, it's not easy. I happened to do it cold turkey. I was one of those who were able to do it. My point is, I understand where—

Mr. Tim Hudak (Erie–Lincoln): Interesting. What does it really mean, "cold turkey"?

Mr. Bisson: Cold turkey. It is an interesting—

Mr. Hudak: It is. What does it really mean?

Mr. Bisson: I'm digressing. I've got seven minutes. I want to make my point. My point is this: I do understand, for those who are smokers, this is a difficult issue to take. I've just got to say, trust all of us who have gone through this experience as smokers to non-smokers and those who didn't smoke; it is an issue. When you walk into a restaurant or a public place and you're not a smoker and this smoke is going on, it is annoying.

There is also the other issue of second-hand smoke and how it affects individuals. A woman I know quite well worked at one of the local restaurants in the city of Timmins. This was a restaurant; it wasn't a bar. She worked there for 50-some-odd years. She contracted lung cancer as a result of second-hand smoke working in the

particular restaurant she was employed in. It's a pretty tragic story. The woman is no longer with us, and it was as a result of second-hand smoke. We understand there are some medical reasons that we need to go this way, and there are also reasons as far as respecting other people.

That being said, I think there are a couple of issues we need to deal with at committee. I've heard a number of them before, and I'm not even going to take the full 10 minutes to say it. You can all applaud. A couple of issues I would like to see addressed as we get to committee: We need to find a way to grandfather those establishments that followed municipal bylaws. I know it's a tough one, but most municipalities sunsetted, when those particular establishments that said they were going to have a non-smoking area etc., properly ventilated—they said, "By a certain year, you have to be in compliance with the full weight of the bylaw."

I would argue, these people have invested a lot of money. We need to make sure that we do one of a couple of things. If the government doesn't have the money to reimburse these people for that investment, that is understandable. We know we're living in tight times. Maybe we need to allow them enough time to be able to recoup the investment that they put in. I understand some people on the side of the issue who want to have a complete ban. 1930

That may not be acceptable for reasons they feel very strongly about, but you have to look at it from the other side. These particular owners of establishments lived in the municipality where a bylaw was passed. The bylaw said, "You have the right to do this." They went out and invested a lot of money in order to retrofit their establishment to meet the municipal bylaw, and all of a sudden the province comes along and says, "Too bad, so sad. You spent tens of thousands, in some cases hundreds of thousands, of dollars to meet the bylaw, and here you are. Too bad, so sad."

I know government members are sympathetic to this issue because I've talked to a number of them, in fairness. I know a lot of them are saying, "Maybe we should refer this matter to committee and take a better look at it." Hopefully something can be done on that particular issue to deal with how we phase out those establishments that met municipal bylaws and that are now going to be caught by this provincial law.

The other issue is the issue of the Legions. I just want to repeat that Legion members in Hearst, Kapuskasing, Smooth Rock Falls, Timmins and South Porcupine, where we have branches of our Legion—except for Timmins, which shut down, unfortunately—

Mr. Hudak: Really?

Mr. Bisson: Yeah, it's quite a story.

Mr. Hudak: That's terrible.

Mr. Bisson: It's quite a story for another debate—in a position where they will be caught by this particular bylaw. These things are not private clubs but they are pretty elite clubs, and I think we need to find some way to give the Legions a little bit more room. Our Legion-

naires, who are veterans—and I wouldn't argue. I'm a vet in the sense that, yes, I served in the armed forces of Canada for a couple of years, but I didn't serve on active duty—a huge difference. They put blanks in my gun; they didn't put real bullets in my gun, and nobody shot—

Mr. Hudak: I don't blame them.

Mr. Bisson: "I don't blame them," says Tim, for putting blanks in my gun. He is so right. I couldn't shoot straight anyway. But the point is, I was not in active service. I didn't go out and put my life on the line, trying to defend my country at a time such as the Second World War. I would argue for those people who are real vets, who served on active duty, I think we need to find some way of being able to accommodate them.

I just want to give you this story. When I was in the armed forces in the early 1970s, when we went out on exercises, they used to give us K-rations, and when you got your K-Rations, they used to have five cigarettes inside them. Every day you got your K-rations—your crackers, your can of peaches and whatever else was in that particular K-ration—and they gave you a five-cigarette pack inside every one. Our own country encouraged our soldiers to smoke, so to speak, and a lot of people ended up getting hooked on smoking as a result of their time in the armed forces.

I don't want to say that I never smoked before I joined the armed forces. I was 17 when I went in, and certainly I smoked tobacco and some other substances before I joined—I'll admit it today—but I did accelerate my smoking and become an addicted smoker through my experiences in the armed forces. For example, we used to trade these five cigarettes as a way of having a bit of an economy going on in the armed forces while we were out on exercise. Those guys who didn't smoke, we would give them two bits or a buck, whatever we were able to negotiate, in order to get their cigarettes. They got a few bucks to buy a couple of beers and we got some extra cigarettes.

My point is, we were basically encouraged to smoke by the armed forces. For those guys who served on active duty—I think that's a real service—we need to give those particular vets an opportunity to grandfather.

That is all the time I'm going to take. I want to thank the members for the opportunity to debate and I look forward to this bill going to committee.

The Deputy Speaker: Questions and comments? Do any other members wish to speak?

Mr. Hudak: I am pleased to rise to debate Bill 164. I won't repeat some of the arguments my colleagues have made, whether it's Timmins-James Bay, Lanark-Carleton or the member for Haldimand-Norfolk-Brant, who has been a very strong defender of tobacco farmers, particularly when it comes to Bill 164, making sure they get what they were promised by the Dalton McGuinty government during the campaign. With significant revenue raised through tobacco tax increases in the last budget, it would be only fitting that assistance for the tobacco farmers to convert, and a real plan to do so, would be forthcoming.

The points have been made already tonight by my colleagues in supporting tobacco farmers, looking for some of the exemptions, those exceptions that Lanark-Carleton spoke to a bit earlier on, and for businesses that have already made investments in their shops with the expectation that designated smoking areas would allow them to continue in business. We hope the government will look at assisting them in some way.

I wanted to address two aspects of this bill that are impacting on the people of Erie-Lincoln, from Dunnville to Fort Erie to Beamsville, and those would be the hospitality sector and the gaming sector. The Minister of Health is here tonight, but also I know the Minister of Economic Development and Trade and, I would argue, the minister for seniors should be very interested in the debate on Bill 164 because of the impact on the hospitality sectors and upon seniors.

Let's talk a little bit about the Legions—for example, the Dunnville Legion. Mel Robinson of the Dunnville Legion has told me time and time again about the significant drop in revenue and membership caused by the anti-smoking policies there. It is difficult enough for the Legions to make ends meet, but if you talk to Mel and members of the Dunnville Legion, they'll talk about a 50% drop in business at the Dunnville Legion. That's one of the last places for members of the Legion to socialize, to get together, to celebrate our Canadian history and their shared role in that. I do worry that what happened, unfortunately, in Timmins with the Legion closing down may become widespread across the province. So I say to my colleagues across the floor, let's also invest in a plan, if this legislation proceeds, to support our Legions and our hospitality sector in dealing with this change.

Bob Hill of the Beamsville Legion will make a similar case in Beamsville, in Niagara. In fact, Bob has called our office—petitions have been spread across the Legions in the riding of Erie-Lincoln, including the Port Colborne and Dunnville Legions. In the Fort Erie and Ridgeway Legions, a common topic of discussion is the harm that can be caused by Bill 164.

No doubt the hospitality sector as well has taken a huge number of hits in the past number of years—always a hard business, always very difficult work in the hospitality sector to make ends meet; very dependent upon the economy, but also dealing now with hydro prices that have gone up and up, despite promises by Dalton McGuinty to the contrary. Taxes on these businesses have increased, and I worry about the next provincial budget and whether they will increase again. Thankfully, the hospitality sector, with assistance from the opposition, fought off the ill-conceived Dalton McGuinty soup-and-salad tax. You remember that one?

Mr. Delaney: There never was one.

Mr. Hudak: That's because they fought it and stopped it, I say to the member from Mississauga. But I do believe that Dalton McGuinty and Greg Sorbara—whether they shared it with all of you guys—I bet you that cabinet was going to go ahead with that soup-and-salad tax, which would have put a sales tax on everything

under \$5—all meals. But thankfully, hardworking people across the province of Ontario rose up and fought back, and that plan died.

The hospitality sector, I worry, will have a further negative impact if Bill 164 goes through without a plan to support them. Taxes on alcohol have also gone up—beer and wine and spirits. No doubt, with the labour bills that this government has brought forward, the hospitality sector is reacting very strongly against Bill 144 and other labour changes which are increasing their cost of doing business. You combine that, and it is awfully tough in the hospitality sector today. That's why, if the Windjammer in Port Colborne, Ridgeway's on Ridge Road in Ridgeway, Slapshot Willy's—a frequent haunt of the Tim Hudak door-knocking team, those nights when we were in Lincoln. Good chicken wings, but if you talk to Barry Heaslip at Slapshot Willy's, what would he tell the Minister of Public Infrastructure? He would say, "Things are pretty difficult in the hospitality sector." Like those businesses in Peterborough, Barry Heaslip and Slapshot Willy's invested in their outdoor patio in preparation for the smoking changes in Niagara. But all that investment will be a net loss to them under Bill 164 without any kind of plan to assist the hospitality sector.

The Italian hall in Port Colborne—

Hon. George Smitherman (Minister of Health and Long-Term Care): You complain when we do.

Mr. Hudak: The health minister is piping up now. I say to the health minister, Frank Notte—who's really no fan of the health minister with his ill-conceived plan to have a super-sized LIHN, amalgamating Niagara with Hamilton, Brant and Haldimand; super-sizing is not good for health in the Niagara Peninsula. But Frank Notte would tell you, Health Minister, to abandon that plan—
1940

Mr. Jeff Leal (Peterborough): What about the Golden Pheasant in St. Catharines, Jim Bradley's spot?

Mr. Hudak: You know what? I don't get to the Golden Pheasant enough, but I would bet you that they would be concerned about all of these increased costs to the hospitality sector, just like the Italian hall in Port Colborne considered this a couple of times but believed that their membership and the clients who come to the Italian hall want the opportunity to smoke, so parts of the club are currently open to that. No doubt they would be concerned about the impact on their business if Bill 164 were to pass, particularly, as it looks to be the case, if it passes without any kind of plan to help out clubs like the Italian club, without plans to help out the Legions across Ontario or the hospitality sector.

A third point I'll make is, we must be concerned about the gaming sector and the jobs that are related to that, particularly in the border areas, if this bill goes forward. If you walk into Casino Niagara or you walk into the Fort Erie Race Track and Slots, business is down considerably, I think down about 20% at Fort Erie. I know the casinos are not as busy as they used to be. There are a number of reasons for that. A good portion of that: problems at the border, worries about delays getting back

home to the United States, a lack of predictability of how long it will take to get from home to one of the tourism establishments. Again, I would say there is a lack of effective tourism marketing lately to bring new clients across the border.

The casinos will make the case that they would make substantial investments in ensuring clean air so that their client base wouldn't flock away from the casinos. Some estimate up to \$200 million of net loss in the gaming sector under Bill 164.

The other aspect of that: Not only the racetrack slots and the commercial casinos, you can't forget about the charitable gaming sector that's associated—

Mr. Levac: Our numbers went up.

Mr. Hudak: If they went up in Brantford, that's good to hear, but they're not experiencing that at the Delta Bingo in Fort Erie or at Uncle Sam's. The charitable bingo sector is seeing a significant decline. The border issues are related to that. Some of the costs I mentioned earlier on have caused that. But you talk to folks who are involved with Community Living who benefit from these bingos, you talk to folks associated with youth soccer or youth hockey in Fort Erie that benefit from the charitable bingos—they're very concerned about the decline in revenue. They will have an even greater concern about the impact of a bill like Bill 164 on the bingo industry. So there's actually a major decline happening today in the charitable gaming sector.

Whether it's the budget, whether it's further debate tonight or whether we will hear about it in committee hearings, I do hope the government has a plan to address the hospitality sector, to help out with our Legions and to assist the charitable gaming sector. I've not heard evidence of that as of yet.

But I know in rapt attention, Peterborough I think has some sympathy to these three areas, and Pickering-Ajax-Uxbridge as well. London hopefully too has paid rapt attention to my remarks tonight. I do ask of my colleagues across the floor, if you are voting for Bill 164, please ensure that you don't forget about the dramatic impact on hospitality, charitable gaming and our Legions. Bring forward simultaneously a plan to help out those sectors.

The Deputy Speaker: Questions or comments?

Mr. Barrett: The member for Erie-Lincoln made mention of the potential impact on the hospitality industry down his way and made mention of the Dunnville Legion, the loss of 50% of their business. I will say that farther west, the Hagersville Legion has an excellent spokesperson with respect to issues of tobacco in the form of Reg McGrath, a war veteran. His brother was killed in the Second World War. My father was the last one to see him alive with respect to our family. The Legion in Kinmount is named after him, as the member for Haliburton-Victoria-Brock will know. Branch 441 in Kinmount is also seeing a significant decline with respect to a smoking ban.

The member from Erie-Lincoln made mention of the gaming industry, the casino industry. There are about 100

bingo halls left in Ontario. These halls will probably close unless this government makes some allowances. We are all aware of the connection between smoking and those who take part in bingo. I do point out that bingo halls are used by our service clubs, Rotary clubs, associations for young people and religious and other cultural organizations. The Smoke-Free Ontario Act will invariably close down these bingo halls. On average, a bingo hall can support up to 40 charities. Again, I just ask this government to keep that in mind.

In the Niagara Falls Review, a Chippawa restaurant has indicated that 18 businesses in Niagara Falls have closed and a further 25 have sustained losses of close to \$1 million. Again, that is related to smoking legislation in that part of Ontario.

The Deputy Speaker: Questions or comments? The member for Erie-Lincoln has two minutes to reply.

Further debate? Does any member wish to speak? The Minister of Health.

Hon. Mr. Smitherman: I just wish to thank all members for their participation in the debate this evening. We listened carefully, and we're looking forward to the opportunity to have this bill in committee, where people, including Ontarians from a variety of walks of life, will have an opportunity to offer their comments.

I think it's very fitting that we should be debating this bill tonight, one day after the Canadian Cancer Society celebrated, or in a certain sense commemorated, the 25th anniversary of Terry Fox's courageous Marathon of Hope across Canada. They've brought forward a report that reminds us that notwithstanding all we've done to tackle issues related to cancer, it's very prevalent in our society.

The reality is that the province of Ontario spends 12% a year more, each and every year, to enhance the services available related to cancer. That's not all about tobacco, but 16,000 people a year in Ontario lose their lives from tobacco smoke. These are 16,000 people lost to their families and to their communities. These are preventable deaths. I think it's incumbent upon us as a government and as legislators to move forward in a fashion that does the utmost to protect Ontarians. I'm proud of this bill and of the quality of debate that has ensued.

I will leave with one story. I had a letter, too. I've had different points of view from people in the Legion, and I got a letter one day from an 81-year-old member of the Legion who lives in Port Perry. He fought in World War II and he's a non-smoker. He tends to the flowers outside of the Legion in Port Perry, because it's a smoking Legion. Then, for camaraderie, he drives 30 or 35 kilometres across country to the Legion in Brooklin, north of Whitby, which is non-smoking. He made a point very clearly in his letter to me, and that is, "Please, in this debate, don't let it seem that the voice of the Legion is the voice of smokers." Using his language, "Amongst my friends who fought in the Second World War, the vast majority of us are non-smokers and the Legion has been off limits to us for some time because we do not want to impair our health by second-hand smoke."

Clearly, these are challenging issues; I'm the first to acknowledge that. I've been around them a little while; not as long as the member from Lanark–Carleton, but I do think that as we go out to committee, we'll have a good opportunity to hear debate from a variety of points of view in Ontario. I just want to compliment all members on the quality of the debate so far.

The Deputy Speaker: Mr. Smitherman has moved second reading of Bill 164. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a 30-minute bell.

This isn't signed.

Interjections.

The Deputy Speaker: The chief government whip has handed me a deferral, pursuant to standing order 28(h). The vote will be deferred until Thursday, April 14, 2005, during deferred votes. Orders of the day?

Hon. David Caplan (Minister of Public Infrastructure Renewal): I move adjournment of the House.

The Deputy Speaker: Mr. Caplan has moved adjournment of the House. Is it the pleasure of the House that the motion carry? Carried.

The House adjourned at 1950.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative		Marsales, Judy (L)
	Prue, Michael (ND)		
Beaches-East York / Beaches-York-Est		Hamilton West / Hamilton-Ouest	
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Burlington	Jackson, Cameron (PC)		
Cambridge	Martiniuk, Gerry (PC)		
Chatham-Kent Essex	Hoy, Pat (L)		
Davenport	Ruprecht, Tony (L)		
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint		
	Wynne, Kathleen O. (L)	Kitchener Centre / Kitchener-Centre	
Don Valley West / Don Valley-Ouest		Kitchener-Waterloo	Witmer, Elizabeth (PC)
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	Lambton-Kent-Middlesex	Van Bommel, Maria (L)
Durham	O'Toole, John (PC)	Lanark-Carleton	Sterling, Norman W. (PC)
Eglinton-Lawrence	Colle, Mike (L)	Leeds-Grenville	Runciman, Robert W. (PC)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	London North Centre / London-Centre-Nord	Matthews, Deborah (L)
	Hudak, Tim (PC)	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Erie-Lincoln		London-Fanshawe	Ramal, Khalil (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Markham	Wong, Tony C. (L)
	Cansfield, Donna H. (L)	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
			Fonseca, Peter (L)
Etobicoke Centre / Etobicoke-Centre		Mississauga East / Mississauga-Est	
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Nepean-Carleton	Baird, John R. (PC)
Guelph-Wellington	Sandals, Liz (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Niagara Falls	Craitor, Kim (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Nickel Belt	Martel, Shelley (ND)
Halton	Chudleigh, Ted (PC)	Nipissing	Smith, Monique M. (L)
		Northumberland	Rinaldi, Lou (L)
		Oak Ridges	Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauvo, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

Estimates / Budgets des dépenses

Chair / Président: Cameron Jackson
Vice-Chair / Vice-Président: John O'Toole
Wayne Arthurs, Caroline Di Cocco, Andrea Horwath,
Cameron Jackson, Kuldip Kular, Phil McNeely
John Milloy, John O'Toole, Jim Wilson
Clerk / Greffier: Trevor Day

**Finance and economic affairs /
Finances et affaires économiques**

Chair / Président: Pat Hoy
Vice-Chair / Vice-Président: Phil McNeely
Toby Barrett, Mike Colle, Pat Hoy, Judy Marsales,
Phil McNeely, Carol Mitchell, John O'Toole,
Michael Prue, John Wilkinson
Clerk / Greffier: Trevor Day

General government / Affaires gouvernementales

Chair / Présidente: Linda Jeffrey
Vice-Chair / Vice-Président: Vic Dhillon
Marilyn Churley, Vic Dhillon, Brad Duguid,
Linda Jeffrey, Jean-Marc Lalonde,
Deborah Matthews, Jerry J. Ouellette,
Lou Rinaldi, John Yakabuski
Clerk / Greffière: Tonia Grannum

Government agencies / Organismes gouvernementaux

Chair / Président: Tim Hudak
Vice-Chair / Vice-Présidente: Andrea Horwath
Lorenzo Berardinetti, Michael Gravelle,
Andrea Horwath, Tim Hudak,
David Oraziotti, Ernie Parsons,
Laurie Scott, Monique M. Smith,
Joseph N. Tascona
Clerk / Greffière: Susan Sourial

Justice Policy / Justice

Chair / Président: Shafiq Qaadri
Vice-Chair / Vice-Président: Bob Delaney
Michael A. Brown, Jim Brownell, Bob Delaney,
Kevin Daniel Flynn, Frank Klees, Peter Kormos,
Shafiq Qaadri, Mario G. Racco, Elizabeth Witmer
Clerk / Greffier: Katch Koch

Legislative Assembly / Assemblée législative

Chair / Président: Bob Delaney
Vice-Chair / Vice-Président: Mario G. Racco
Donna H. Cansfield, Bob Delaney,
Ernie Hardeman, Rosario Marchese, Ted McMeekin,
Norm Miller, Tim Peterson, Mario G. Racco, Mario Sergio
Clerk / Greffier: Douglas Arnott

Public accounts / Comptes publics

Chair / Président: Norman W. Sterling
Vice-Chair / Vice-Présidente: Julia Munro
Laurel C. Broten, Jim Flaherty, Shelley Martel,
Bill Mauro, Julia Munro, Richard Patten,
Liz Sandals, Norman W. Sterling, David Zimmer
Clerk / Greffière: Susan Sourial

**Regulations and private bills /
Règlements et projets de loi d'intérêt privé**

Chair / Présidente: Marilyn Churley
Vice-Chair / Vice-Président: Tony C. Wong
Gilles Bisson, Marilyn Churley, Kim Craiton,
Kuldip Kular, Gerry Martiniuk, Bill Murdoch,
Khalil Ramal, Maria Van Bommel, Tony C. Wong
Clerk / Greffière: Tonia Grannum

Social Policy / Politique sociale

Chair / Président: Mario G. Racco
Vice-Chair / Vice-Président: Khalil Ramal
Ted Arnott, Ted Chudleigh, Kim Craiton,
Peter Fonseca, Jeff Leal, Rosario Marchese,
Mario G. Racco, Khalil Ramal, Kathleen O.Wynne
Clerk / Greffière: Anne Stokes

CONTENTS

Wednesday 13 April 2005

SECOND READINGS

Tobacco Control Statute Law

Amendment Act, 2005,

Bill 164, *Mr. Smitherman*

Mr. Prue	6239, 6242
Mr. Sergio	6240
Mr. Barrett.....	6241, 6247
Mr. Delaney.....	6241
Mr. Bisson.....	6241, 6244
Mr. Sterling	6242
Mr. Hudak	6245
Mr. Smitherman	6247
Vote deferred.....	6248

TABLE DES MATIÈRES

Mercredi 13 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois

en ce qui a trait à la réglementation de l'usage du tabac,
projet de loi 164, *M. Smitherman*

Vote différé.....	6248
-------------------	------



No. 129

N° 129

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 14 April 2005

Jeudi 14 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 14 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 14 avril 2005

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

GENDER-BASED PRICE DISCRIMINATION PROHIBITION ACT, 2005

LOI DE 2005 INTERDISANT LA DISCRIMINATION DES PRIX FONDÉE SUR LE SEXE

Mr. Berardinetti moved second reading of the following bill:

Bill 182, An Act to prohibit price discrimination on the basis of gender / Projet de loi 182, Loi interdisant la discrimination des prix fondée sur le sexe.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Berardinetti, you have up to 10 minutes.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I will be sharing some of my time later on. My colleagues from Huron–Bruce, London–Fanshawe and Don Valley West will have some comments on this bill as well.

In my 10 minutes, I just want to briefly outline Bill 182, An Act to prohibit price discrimination on the basis of gender. Today's bill is about discrimination, discrimination that exists today, in 2005, in Ontario. It is called gender-based pricing discrimination.

Nobody in this chamber today would support discrimination. In fact, we have here in Ontario the Ontario Human Rights Code, which specifically addresses the issue of discrimination. I have a copy of that with me today and I would briefly like to read into the record the preamble of Ontario Human Rights Code. It reads as follows:

"Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

"And whereas it is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully

to the development and well-being of the community and the province; and

"And whereas these principles have been confirmed in Ontario by a number of enactments of the Legislature and it is desirable to revise and extend the protection of human rights in Ontario;

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:"

I'll only read part I, which is "Freedom From Discrimination." It reads:

"Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status or disability."

Unfortunately, this code is not complete. Today, I bring forward an act, Bill 182, which will help in many ways to bring some completion to this code and to fulfill some much-needed areas of public policy and social policy here in Ontario.

I'm joined in the debate today and here in the assembly by one of Canada's most popular business writers, Joanne Thomas Yaccato. She's here today. She's the president of the Joanne Thomas Yaccato Group and the author of several books, including *The 80% Minority and Balancing Act*. I'm also joined by the inspiration of my life and the inspiration behind this bill in many ways, my wife, Michelle Berardinetti. She and Joanne have teamed up to work on this with me, and I owe a lot of this to their hard work and to their research. I'm simply bringing forward a small portion of the work that they've done.

I want to use my remaining time to tell you a little story. This story starts last October, when Michelle and I got married. Shortly after we got married, we did things that normal married couples do: We fixed our house, we got to know each other's families, we got to know our neighbours, she started to learn to put up with my snoring and we started shopping together.

Mr. Brad Duguid (Scarborough Centre): Snoring also happened at council meetings.

Mr. Berardinetti: Snoring also happened at council meetings, as Councillor Duguid has pointed out. That was in the good old Scarborough days.

Mr. Kim Craiton (Niagara Falls): Stay on topic.

Mr. Berardinetti: I'll try to stay on topic, thank you.

When we went shopping, Michelle told me about something interesting, and that was something called the gender tax. Being a typical male, I didn't have a clue

what she was talking about. I soon learned, however, what gender tax was all about. We went out and we went shopping. We bought deodorant, 50 grams for her, 50 grams for me, basically the same brand. Mine cost \$2.99; hers cost \$3.99.

We needed some new clothes, so we went to get ourselves each a suit. We liked a certain brand, so we went to look for comparable men's and women's styles. Mine was about \$800—it was expensive, but I like to keep my suit for several years—and hers, of a similar style and a similar type, was \$1,200. We needed alterations on our suits. Mine were free, they were included in the suit; hers were \$180. We continued on our shopping adventure. We dropped off dry cleaning and left some dress shirts there. We went to pick them up. Both of the shirts, hers and mine, were 100% cotton dress shirts. Mine were \$1.55 each and hers were \$3.95 each. I have with me today that little receipt, which I keep close to myself and which reminds of the difference in price for basically the same shirt.

It was at this point that I started to ask Michelle questions: "Why is there a difference in price?" She replied, "Gender tax, my dear." So I asked her if she would come with me to visit the dry cleaner and to ask the dry cleaner why there was a difference in price. We argued and we haggled, and basically the dry cleaner said that the bottom line is that a woman's shirt is going to cost more and that a man's shirt could fit on a press and a woman's shirt could not fit on that press. That argument was to no avail.

We went to the clothing store, and I asked the person who had sold us our suits why her suit cost so much more and why she had to pay for alterations. The reply I got was basically that women's suits cost more because women are fussier. That was the explanation given to me: They want their suits done a certain way, and men will accept them off the rack with minor alterations.

1010

From that, we went on and experienced similar situations involving things like haircuts, where, yes, she does have longer hair than I do, but if we went in for a trim and both spent 20 minutes in the chair to get a trim, I would pay maybe \$15, and she would pay something between \$60 and \$100.

Michelle and I decided to do some research on this topic, and we soon started to dig up certain interesting things. One of the things we found was an article in the Wall Street Journal. This article was written several years ago; in fact, it was written back in 1994. In the Wall Street Journal, which is considered a small-c conservative newspaper, the headline reads, "State May Ban Bias In Pricing Hairdos and Wash." The article goes on to talk about women complaining for years that they have to pay more than men pay in clothing, dry cleaning, shirt laundering and haircuts. It also mentions that California is proposing to do something about it. In this article, the writer says that California was proceeding with this new legislation, and then goes on to address the various critics who speak against it.

The critics basically say that it should be left to the marketplace to deal with this issue. The article responds by saying that consumer markets don't always punish irrational behaviour. Some retailers can get away with charging more, based on convenience rather than price, for example, and many consumers don't have the time to do comparison shopping. The article also points out various evidence and surveys that have been done in California and in New York, which show that women pay significantly more than men do for things like haircuts, dry cleaning and other things.

From this article, we then went on to find an act that was enacted in California in 1995, which dealt with gender-based pricing. In California, they actually now have in place a law known as the Gender Tax Repeal Act, and that deals with repealing or not allowing people to charge more for basically the same service.

Today's bill is simply an attempt to carry out what California and other jurisdictions are also doing. Miami-Dade county and New York City have enacted similar legislation and regularly send out notices or bulletins reminding retailers that gender-based pricing is prohibited in that region or county.

I'm simply asking today that this Legislature do the same thing that is being done elsewhere in North America, something that makes common sense: to charge the same price to women or to men for the same good or service. I ask the support of this Legislature today in approving second reading of my bill.

The Deputy Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to join the debate this morning on Bill 182, the Gender-Based Price Discrimination Prohibition Act, 2005, which has been introduced by the member for Scarborough Southwest. Certainly I commend the member for bringing this issue forward. It has actually raised quite a bit of media interest, and I see that we even have some media here today.

However, I would also have to say that, personally, it has not been an issue that I have received mail or phone calls or faxes about. In fact, I would have to say at this point in time that the only comments that I did receive personally were that the principle behind this bill is obviously commendable, but there were some who said they felt there were more pressing matters that the government needed to be dealing with, such as education, health, the environment and safety.

What this bill does is prohibit discrimination, and I support that we need to take action against any form of discrimination.

This bill specifically says that we need to prohibit price discrimination on the basis of gender. One of the things we need to determine and what we need to answer is: Is price discrimination, indeed, based on gender? That's a very important question that we need to answer, because I don't know that anyone is certain at this point in time whether or not that is so. How are you going to determine if it is indeed based on gender, and who is going to have the authority to determine that? What criteria are going to be established?

I see in this bill that the Ontario Human Rights Commission would have the authority to listen to complaints that might be filed, as well as the Superior Court of Justice. So obviously, there is going to have to be some sort of an infrastructure established to determine who would be eligible to file these complaints, how they are going to be handled, what financial and human resources are going to be required and who is going to do the investigation. There are a lot of consequences to introducing this legislation that need to be taken into consideration.

But I go back to the fact that if there is indeed price discrimination on the basis of gender, we need to deal with it. Personally, I can recall when I've gone to a dry cleaner and I've had my husband's shirt and my simple white blouse, we do pay a different price. Also, when our clothes go through the alteration process, women usually are required to pay for shortening of their slacks and men oftentimes are not. Is that price discrimination on the basis of gender? I don't know. Or is it simply the practice of that particular retail outlet?

Do you know what? It's an issue that I don't think you can answer with a simple, "Yes, we need to move forward on it." I think this issue is one that needs a lot of examination. I think we need to take a look at the consequences of this legislation. What impact is it going to have on the people in the province of Ontario? Is it going mean, at the end of the day, that everybody's price goes up to the highest level? That's a possible consequence as well.

Again, price discrimination on the basis of gender is unacceptable. I understand this legislation does exist in California, but I also understand that the legislation is routinely violated because of the lack of public awareness. So I guess another question you ask yourself is, how would you enforce the legislation? Again, what resources would be required to do so?

Maybe, at the end of the day, this bill will cause people to seriously consider if, in the product they are offering, there is discrimination based on gender. Perhaps it will cause any companies that have a difference in pricing, or someone who offers a service, to take a second look and seriously consider whether this is happening, or indeed, if there are valid reasons for the price differential. I really don't know.

This bill, as commendable as it is on the part of the member from Scarborough Southwest, really does require some further examination as to the consequences and the reality of the situation. I think it needs much more study before anybody would be able to give approval for it moving forward.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I certainly join the media in congratulating the member for Scarborough Southwest for a bill that is being considered top-notch as a public relations exercise. It was, a number of weeks ago, I would say, a very successful public relations exercise, and it does tweak our sensitivities with respect to discrimination. I'm sure the member will call for hearings on this one.

1020

I have always been opposed to predatory pricing based on an individual's knowledge or lack of knowledge of what may be under the hood, for example, when they take a vehicle into the garage and perhaps unwittingly have prices that are jacked up by their mechanic. But I have some problems with this legislation as well.

One reason I say this is that hairdressers, barbers and dry cleaners will rightly tell you that the price differences that they may set and that the government member has decried so vehemently are indeed based on—and I quote this bill—"the cost, difficulty or effort of providing the goods or services."

Now, I certainly got an earful from Melinda, where I get my hair cut. She explained that typically a hairstyle for a woman does take longer. It can be more difficult than a more basic typical male hairstyle like that of the member for Erie-Lincoln. She's put in the position where she would have to explain to her female customers and her male customers that perhaps she's going to have to adjust the prices. That makes it difficult for someone in business.

I'm not the only one who feels this is a bit of a publicity exercise. I take a look at the always Conservative-friendly *View* magazine. Michael Truscello writes that this bill represents "another case of a Liberal trying to do something that appears meaningful and is wrapped in symbolically progressive gestures, but in reality just distracts from more important issues."

I would think that a progressive Liberal in this House might want to perhaps investigate the unethical behaviour of large corporations or why young men approach my office with insurance quotes of \$6,000 to \$10,000 a year. That's a significant price difference from perhaps their sister. Should young women be sharing this burden with young men? I spent this winter with farmers blocking the 401 and out in front of Queen's Park on cold winter days. They have some very important issues that I wish the members opposite would address in a more serious way.

Michael Truscello goes on to write, "The best a long-time friend and Scarborough councillor, Michael Thompson, could say about Berardinetti's bill is that it is a 'welcome initiative' but that he thought there were more pressing social issues at Queen's Park."

There are many non-middle-class women in my riding who cannot afford the clothes and cannot afford to take their clothes to a dry cleaner, period. What does this do for them? I know it will assist a middle-class MPP to perhaps get fair play at a dry cleaning shop, but what does it do for so many people—and I'm thinking of some of our rural and northern ridings and inner-city areas—who don't go to dry cleaners? We're talking about designer clothes—I see this in the media—perhaps manufactured in China or Malaysia or Indonesia. The member may want to investigate how many pennies a day the young women who are involved in manufacturing those products receive in sweat equity to ship their product to Ontario. That is something the member may want to consider. I feel that might be something a little more significant than the price of a haircut.

Mrs. Carol Mitchell (Huron-Bruce): I'm very pleased to rise today to support Bill 182, the Gender-Based Price Discrimination Prohibition Act. Gender-based pricing is certainly evident in many, many places, and it is so unfortunate that in this year of 2005 we are still discussing the inequalities between genders.

However, Bill 182 is a very important step in closing that gap. If passed, this bill will prohibit price discrimination on the basis of gender. Under this proposed legislation, a person who believes that they have been discriminated against may file a complaint with the Ontario Human Rights Commission. This is a very important first step.

But I want to be clear on this. This bill does not prevent price differences. For those services that are based upon cost, or that require more time and effort to deliver, it understands that service providers may charge more for a service for gender, based on time, effort and money. Therefore, the bill acknowledges that some service providers do charge more, but they have a very legitimate reason to do so. Service providers should price their services based on the item or service being offered, not gender.

I want to, just for a minute, a personal example. As you can see, I have very short hair, shorter probably than even Lorenzo, the member from Scarborough Southwest. My husband has longer hair than I do, plus he has a beard and a moustache. My husband pays less money to get his hair cut than I do, and he gets his beard and his moustache trimmed. I'm out the chair in a shorter time than my husband, yet I pay more. So I don't believe that service was based on time allocation.

Bill 182 also takes into consideration that people who practise gender-based price discrimination may be prosecuted. As the member from Scarborough Southwest has mentioned, in the House today is Joanne Thomas Yaccato, the owner of a Canadian consulting firm which focuses on gender issues. She has done extensive research on the topic of gender-based pricing. Her research proves that women pay 30% to 50% more for services and products in Canada. If I had a shirt on today, a beautiful white shirt, that many of you do, with a tie—and my husband certainly wears those shirts—when I go to pick them up at the dry cleaner's, my husband's is about a third of the cost for the same shirt that I'm getting done. That's also not appropriate.

I wanted to give you just a few more examples. I know that there have been some comments made about rural-urban—I don't know how we can mix this into the conversation, but we have. Being the member from the most rural riding in the province of Ontario, I'm going to talk about OshKosh. I come from a retailing background and I had a couple of stores for 10 years. When the children were small, it was always the same price. T-shirts for whatever—men, boy, girl—were the same price. With denim overalls, denim jeans, it was always the same price. So I went on to the OshKosh Web site, and what do you think I found? On that Web site I found that the denim overalls and jeans were the same price. But a

white T-shirt—the same for a man and woman—the woman's T-shirt was more money. I just wanted to bring into the conversation that I also went into what one would refer to as workwear around the farm, and this is what I found.

I'm going to take a little trip down memory lane for a minute. When I was young, when my husband and I were dating, jeans were just coming into fashion—so that was just a few scant months ago—and the only place that you could buy your Levi's were in the men's store. My husband has longer legs than I do, longer hair and longer legs. I would have to have my jeans shortened, and he would not. I would pay to have mine shortened, but he would not. I just put forward these examples.

But I do believe this bill is very progressive. It responds to the issues. It not only addresses the issue of gender price discrimination, but it also calls for action. This bill received a tremendous amount of support from both men and women in the province when it was first introduced—because the sword cuts both ways—so I want to be clear: I add my support, and I commend the member from Scarborough Southwest and his spouse on all of the work that they have done. My thanks to you on behalf of one of the genders.

1030

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to rise and offer comment on Bill 182 from my colleague from Scarborough Southwest, who I enjoy working with on the standing committee on government agencies. We missed him yesterday, but I know he was getting prepared for his big day in the Legislature today. Certainly, his bill received extensive media coverage. In fact, I followed the bill and did a bit of a scan myself. Coverage for this bill was in the UK, across the United States. It certainly has caused some conversation in the coffee shops and the hair salons across the province. But let me give you a couple of angles that I've heard about.

First, I don't think anybody forces us, whether it be a man or a woman, to use a service or to pay the price for the service. In fact, many women I've spoken to about this bill quite frankly have found it patronizing. It has at its base an assumption that they're not capable of making a rational decision to pay certain prices.

Mrs. Mitchell: I don't think they get the point of it.

Mr. Hudak: No, I think the women that I've spoken with do get the point, because it does characterize them as dupes in the marketplace who are unable to get good value for their dollar or to shop around. Maybe others have a different viewpoint on this, but women I've spoken with find the bill patronizing.

Secondly, the Ontario Human Rights Commission has an active caseload of 2,500 in the last fiscal year, the largest caseload in the last five years, and the caseload gets bigger every year. In fact, when we deal with constituents who are trying to get a case through the Human Rights Commission, it's an average wait of some 11 months. The commission is by law required to investigate every complaint it receives. So, one wonders. Here are some of the investigations that they've recently reported

on their Web site: stopping cases of discrimination based on sexual orientation; going after cases to stop racial discrimination in the workplace; in housing decisions is one case that they cite. Also, sexual harassment in the workplace is a predominant aspect of the Human Rights Commission's good work.

I think that we would all probably share the concern that if the Human Rights Commission members are required to investigate charges of differences in prices in hair salons and particular products, does that take away from priority work like sexual discrimination in the workplace, like racial discrimination in housing decisions or landlord/tenants, sexual discrimination based on sexual orientation? Should these be the higher priorities and the focus of the Ontario Human Rights Commission?

In the last area tour we did, we did a call around to owners and business operators who would be impacted by this legislation. Hairstyling is one that's often cited by the government members. I will say, with Dalton McGuinty paying about \$50 for his own haircut, maybe he's making great strides in rectifying the price differences in hairstyles between men and women. But Dalton McGuinty aside, Audrey Kelly, who runs the Renaissance Hair Styling business in Fort Erie, strongly objects to this bill and the implication that she discriminates between men and women. Erin Grigg, a stylist at Vaccii Hairstyling and Esthetics in Beamsville, says that her customers have responded to this bill quite negatively, and they even characterized it as silly—or "strange priorities," some of her customers have said. Caesar, the owner of Caesar's in Ridgeway, had a similar viewpoint. I'll tell you also that Jan Moore, the owner of Top Hat Cleaners in Beamsville, says that she doesn't price discriminate, that she charges the same price for the same product. As well, Pike's Dry Cleaners in Fort Erie is, similarly, of that ilk.

In conclusion, I do worry too that these businesses, which are predominantly run by women: the hair salons, the esthetics shops, the dry cleaners that we spoke with, almost all women—does this bill actually discriminate against those owners as well?

Ms. Marilyn Churley (Toronto–Danforth): I'll be saving a couple of minutes for my colleague from Niagara Centre, whom I'm sure you're all dying to hear from, as the fashion plate of the Legislature. Remember the day he walked in here in a tuxedo? But that was rented, so he didn't have to go out and pay for that.

Mr. Peter Kormos (Niagara Centre): Borrowed.

Ms. Churley: Borrowed.

I'm happy to see that some male members of the media are here today, Robert Benzie from the Star and Lee Greenberg from the Post, right?

Mr. Phil McNeely (Ottawa–Orléans): The Citizen.

Ms. Churley: The Citizen—sorry about that. I know what they're worried about. They're worried that what this bill might do is actually jack up prices now, that instead of coming down for women, it might go the other way and prices for men might go up. Isn't that what

you're worried about? They're nodding. That's why they're here today.

Mr. Kormos: Do you mean this haircut is going to cost me \$40?

Ms. Churley: The cost of Peter Kormos's haircut—look at that hair—might go up to the same as mine. And look at this hair. I mean, it doesn't take long to do. Well, I'll just let you judge for yourselves.

I noticed that the member for Scarborough Southwest is well turned out today in his Armani suit.

Mr. Berardinetti: No.

Ms. Churley: It's not an Armani suit? Well, I tried to find one of my more expensive suits to put on today.

Mr. Kormos: Is it Armani?

Ms. Churley: No, it's not Armani. I can't afford Armani.

It's good that this bill is here before us today, because it raises awareness. It has titillated the media a bit. They've written a lot about it. It's an interesting subject, but it's also very true. It's not news, in the sense that those of us who have been shopping for many years and have been around and have been married a bit longer—congratulations to the member, by the way, and to his wife, who is here with him today.

Mr. Kormos: Who's the real author of this bill?

Ms. Churley: That's right—the real author.

There are students here today. I'm sure they know that girls pay more for their clothes than guys do. That's what this bill today is all about, to try to change that. However, it's more of a public awareness effort. This has been around for some time. We're all aware of it.

However, having people go to the Ontario Human Rights Commission to have their case dealt with—although I disagree with Tim Hudak that we feel patronized by that. Let me tell you, as a strong feminist, I often feel patronized in many ways, but I don't feel patronized whatsoever to have a bill before us that says this discrimination should end. This is very clearly discrimination in the marketplace, and not just in term of clothing.

You may know that on March 8, 2002, on International's Women's Day, I brought forward a "stamp out the tax" bill. This was a bill to get rid of the GST from feminine hygiene products. I'm still on the case, still after the federal government. I would like to see everybody here get on the bandwagon for that one as well. It is a real discriminatory measure. It is women being taxed for being women. When you add up the cost to families, if you have a mom and four daughters or whatever, it's thousands of dollars. That's another example of marketplace discrimination against women.

Of course, there are other kinds of discrimination against women, some of which we've been dealing with in this House, such as equal pay for equal value. We're still a long way behind. Women still make 80 cents on the dollar, or whatever it is, that men make. Then there is the card-based certification bill. What bill was that?

Mr. Kormos: Bill 144.

Ms. Churley: The NDP voted against Bill 144 because it was the Liberals bringing in a bill that actually

discriminates against women—also new Canadians, but by and large, women. Women who work in certain workplaces are left out of that bill. It mostly applies, I believe, to the carpenters' union. Is that correct?

Mr. Kormos: The building trades.

Ms. Churley: Building trades, which are mostly men. God bless. No problem. We want them to have it; we want all the rights that the Tories took away given back to workers. But the bill applies only to workplaces that consist mostly of men.

So we still have all kinds of discrimination in the marketplace in general and in this Legislature. I raise all the time the fact that despite some efforts, certainly by our party, we need to have an affirmative action program to get more women into politics. On the whole, we certainly do better than the other parties. We're fighting to have proportional representation brought in, which will help get more women as representatives in Parliaments across the land. There is discrimination clear across the world in terms of the power structure, of women making it to the top: the glass ceiling, not just in politics but in the workplace.

So when any bill comes before us that deals with any aspect of discrimination against women, whether in the marketplace or overall, I'm happy to see it. I welcome it and I certainly will be voting in support of it.

1040

Now, I do have to say, as I said at the beginning, that I don't think it is really going to make a huge difference in the marketplace. I believe a similar consumer protection law has been on the books since January 1, 1996, in California. A study was done recently on how well that's working, and they found that the legislation is routinely violated due to a lack of public awareness and a lack of enforcement. And that is the problem here: The bill really doesn't have any teeth. If the government were serious, they'd vote for this bill today and make sure it would be covered under the Consumer Protection Act and would be given more teeth so there would be some kind of recourse other than to the Human Rights Commission.

The Human Rights Commission has far, far more serious issues on their plate. They're really backed up and behind schedule on some of the very serious issues around sexual harassment in the workplace. That's another area in which I have a private member's bill, to try to get sexual harassment under the Occupational Health and Safety Act, because it isn't right now. Those complaints go forward to the Human Rights Commission, and they're really backed up on these very critical, important cases. I don't think they're going to have the time to deal with complaints about this kind of marketplace discrimination.

Having said all that, the reason I'm glad that the bill is before us today is because I am tired of paying more for my clothes than my partner has to pay. I am tired of paying more to get my hair done than Peter Kormos pays to get his done. I'm not even going to tell you how much it costs to get my hair done. You'd be shocked at how much I'm charged. But I have the best hairdresser in the world. Hi, James. He's good.

You know what? I'm going to close here. This is what I say to any marketplace people who may be watching this. Some of the dry cleaners, on the environmental issue, opened up environmentally friendly dry cleaners. They're starting to pop up all over the place and more and more people are starting to use those now; they've established themselves in the marketplace. To those out there in retail, you make a choice—today, because of public awareness, I will shop in your store—and you stop the discrimination in your store against women and sell clothing to men and women at the same price. I believe this is one of those situations where the marketplace needs to see that they will actually profit by ending discrimination. There's another idea.

I'm glad that this bill is before us today. Raising public awareness on any issue of discrimination against women is a good thing, and I will be voting for it today.

Mr. Khalil Ramal (London-Fanshawe): I'm honoured to stand today and speak in support of Bill 182, An Act to prohibit price discrimination on the basis of gender.

First, before I start talking about the bill, I want to commend the member from Scarborough Southwest for making this bill and introducing it in this House. Also, I want to commend the people who worked with him behind the scenes—his wife, Michelle, and also the author of *The 80% Minority: Reaching the Real World of Women Consumers*—for doing all the research concerning discrimination against women.

This issue is not a new issue in our lifetime. There has always been discrimination against women throughout our history. As part of the progress, we've been fighting along with feminist groups to bring an end to discrimination: the right to elect and to be elected, the right to be in any job like every man, and also to be in any sport if she wishes to.

Even with all the tremendous work and effort, the world is still controlled by men. What we're talking about today is a real event and truth about the discrimination between men and women, especially in terms of pricing. When women go to buy the same item, when they go to the hairdresser, when they go to the laundromat, when they go to any spot, any place, they are being taken advantage of. I believe this bill is a very important step toward correcting and eliminating the discrimination.

I was sad when I heard the member from Haldimand-Norfolk-Brant talking about the bill and saying that he doesn't think it is an important bill to be addressed in this place. I disagree with him. It's a very important bill and has to be addressed and talked about, especially in this place, in order to make it a law and be enforced to correct long-standing discrimination against women. I agree with the member from Toronto-Danforth that for a long time there has been discrimination against women, and I support her effort to continue the fight to correct this.

Today, the member from Scarborough Southwest brings this important issue to this House in order to talk about it and in order to put the mechanism in place to

stop a long era of discrimination against women. The member from Scarborough Southwest spoke eloquently about that issue, and not just in this place, but on many TV and radio stations. Many newspapers talk about it in London, Toronto, Ottawa, China, Pakistan—a lot of different papers. This issue brought to life a lot of important concerns about discrimination against women.

Again, I'm honoured to stand up and speak in support. Hopefully, my colleagues from the Conservative Party understand the importance of this issue and will support the member from Scarborough Southwest.

Mr. Kormos: I appreciate the opportunity. Like my colleague Ms. Churley, I'm going to be supporting the bill. I think it raises an interesting dilemma for consumers and retailers across the province and across the country.

Look, Mr. Berardinetti, the author—one has to applaud the clear co-author of this bill, and that's Michelle Berardinetti. They've provided me with a fascinating book called *Balancing Act: A Canadian Woman's Financial Success Guide*, written by Joanne Thomas Yaccato. Here it is, Speaker. She's here with Ms. Berardinetti in the visitors' gallery. In her book, she references a story told by Shaughnessy Cohen, who was a federal member of Parliament from the Windsor area. She passed away, tragically, at a very young age. She tells Ms. Yaccato, the author of this book, that as a lawyer, where she was buying the court shirts that one buys to wear with the tabs and the gown for Superior Court, there were no women's shirts; you could only buy men's. There was only one design of these court shirts. You're wearing that sort of shirt right now, Speaker, along with your clerks. But when she took her man's court shirt to the dry cleaner, she was charged 80 cents more than when a man took the same shirt.

Ms. Churley: She started getting a man to take in her shirts.

Mr. Kormos: So what she started to do was get a male colleague to take her shirts so that he got the men's rates.

That is the clearest-cut discrimination. Quite frankly, that's already dealt with by the Ontario Human Rights Code. It is. Section 1 of the Human Rights Code is very clear. I'm not saying that to denigrate or detract from this bill, but that is a clear violation of the Ontario Human Rights Code, because it's not the product; it's the person who's being discriminated against. The product isn't being discriminated against.

1050

Now, let's deal with haircuts. I've got to tell people, I suppose I could go up to Yorkville Avenue—and I don't want their BIA calling me or sending nasty letters. But I could go up to Yorkville Avenue and pay 40, 50 or 60 bucks for a haircut, if I were so inclined. Well, I'm not. If you do, you've got more money than brains. I suppose Hilary Weston has no qualms about stepping out from Holt Renfrew up there on Bloor Street and trotting up to Yorkville and blowing 100 bucks on a haircut. Steve Baltich in Welland, \$8 and a \$2 tip, once every three

months, regardless. Whether you're a man or a woman, it's \$8 and a \$2 tip. Semley Avenue in Welland South, Steve Baltich—Slavko—has been doing it for years. If you pay any more than that, you're a sucker, man or woman.

Look, Armani suits—go down to Blake's Men'swear on Niagara Street in Welland. They're going to sell you fine, professional clothing, the best ties, two pairs of trousers with every jacket.

To the author of this bill, Mr. Berardinetti, your mistake was shopping Armani instead of buying Canadian-made. Look, if you want to buy imported Italian, Gucci, Armani, the whole nine yards—again, what you do with your money is your business, but I'm telling you, let's shop Canadian for starters. OK?

Let me tell you, you go down to David Chev-Olds in Welland, a unionized car dealership. I've been buying cars from Cathy Robertson there for years and years, expensive ones and cheap ones. There's no discrimination at David Chev-Olds. Cathy Robertson's going to give you the same good deal, whether you're a man or a woman, and the best deal anywhere. In the service department, unionized mechanics are going to treat you fairly, charge you the same price, man or woman. That's David Chev-Olds.

Blue Star restaurant, south end of King Street, man or woman, if you get the Ukrainian special—cabbage rolls, perogies and coleslaw—you're going to pay the same price and get the same quality meal.

My concern, to the author of this bill, is that you're shopping in the wrong places. That's my concern. You're a little bit too much carriage trade. Look, go a little farther west on Bloor Street, down toward Roncesvalles, to some of the ethnic shops out there, some of my Polish and Ukrainian friends. I assure you, you buy your gotchies, and they're going to be the same price whether they're women's gotchies or men's gotchies.

Ms. Churley: Gucci; not gotchies.

Mr. Kormos: I'm not talking Guccis; I'm talking gotchies now. Do you understand what I'm saying, Mr. Berardinetti?

I look forward to this bill being in committee. I thank Michelle Berardinetti for her astute interest in this area and for her skill at draftspersonship clearly, because she's done a darned good job of putting together a piece of legislation that warrants committee consideration and also some response from the retail and service industry.

But at the end of the day, if you want to pay the same price for your shirts, whether you're a man or woman, go to Lee Wah Laundry. I just spoke with Mr. Lee, and he said he doesn't care who brings the shirt in and who wears it. If it's a plain, simple shirt, it's one price. If it's got the pleats, it's another. But it's not based on sexual discrimination. That's Lee Wah Laundry down on Hellems Avenue, Welland. Remember that one, Mr. Berardinetti.

Ms. Kathleen O. Wynne (Don Valley West): I really do appreciate the tone of this discussion this morning.

I have to say, when I first looked at Bill 182, I was a bit taken aback and I thought, "Well, this is always going

to be with us.” But when I talked about it with some folks and read some of the material by Joanne Thomas Yaccato, I thought, “OK, this is so engrained in me that I need to look at it,” because if, in California, there’s a \$1,300-plus gender tax, there’s probably a similar gender tax here that women are paying.

What I want to do is—to suggest that this phenomenon is part of a much larger picture—and I think the member for Toronto–Danforth was pointing to that that this phenomenon is a really part of a picture in which the fashion industry and popular culture all collude and contribute. I want to start with a quote from a study by the Canadian Teachers’ Federation in 1990 called *A Cappella*. It’s a report on the realities, concerns, expectations and barriers experienced by adolescent women in Canada. I’d like to think that between 1990 and now everything had changed, but in fact it hasn’t. In the questionnaire that they did, 48.2% of the girls strongly agreed or agreed that “Being popular is a big worry for me right now.” However, 85% strongly agreed or agreed that they worry a lot about how they look. To quote one child, “Teenage girls are concerned about social issues like drugs but most of the time they worry more about things that are closer to them, like their looks. I don’t think that I know one girl that is satisfied with her looks. That is a big concern. I know people who do such dumb things to look better (crash diets, for example).”

It’s clear that that kind of undermining of self-esteem is going to set up a whole group of people to be taken advantage of. I’m not suggesting that young boys don’t worry about their looks, because of course they do, but I think there’s a special phenomenon here with young women.

I want to say that we learn these lessons early. I remember when I was 15 or 16 years old, which is around 1968, and I was shopping for jeans around the same time Carol Mitchell was shopping for her first pair of jeans. I was the same size as I am now, but I was a sprinter, so my thighs were a bit bigger. When I couldn’t find a pair of jeans that I could comfortably sit down in, I said to the attendant, “I’m having a problem here. I can’t find a pair of jeans that I can breathe in,” and he said to me, “We’re just trying to make the world a more beautiful place.” I will never forget that, because I was not fat; I was not overweight. I was a perfectly normal, healthy 15- or 16-year-old. But that message was, “You’re not thin enough. You’re not good enough.”

When you undermine people’s confidence like that, they’ll pay anything, they’ll do whatever they have to do, to reach that norm, to conform to that model. I really think that’s what we’re dealing with. We’re dealing with a group of people who are undermined, and maybe it’s because they’re focusing on the carriage trade or going to the wrong stores, as Mr. Kormos suggests, but I think there’s something deeper going on here. The point is that that incident was 37 years ago for me, but I believe the retail world and media images pressure young women to conform, and that’s a dangerous thing. What we’re seeing in the pricing schedules is the manifestation of that.

We could talk a lot about hair. Frigga Haug did a book called *Female Sexualization* a number of years ago. Open the chapter to “The Hair Project.” “I remember people in our street saying, ‘Such a shame it had to be the boy and not the girl that had naturally curly hair. It doesn’t matter so much for a boy, but the girl could have been saved so much work and money when she got older,’” the assumption being that women are going to have to pay to conform to a norm, that you’re going to have to pay to get your face fixed or your hair coloured or your hair cut just the right way because you’ve got to conform to a norm that we all know is impossible.

That’s the serious underlying issue here, and that is that we, as a society, continue to force young women into a mould that’s impossible, and because it’s impossible, because there’s that sense of inadequacy that builds up in young women, we have crash diets, plastic surgery, young girls with perfectly beautiful hair colouring their hair. All of those realities mean that retailers can charge what they want because, “If I just get that shirt, if I just get that hair colour, it’s all going to be OK.”

So I support the member for Scarborough Southwest. It’s not going to solve the problem. Bill 182 wouldn’t solve this huge problem, but it’s a step, it’s an awareness, it’s a reality check on what we’re doing to young women in our society.

The Deputy Speaker: Mr. Berardinetti, you have two minutes to reply.

Mr. Berardinetti: Thank you, Mr. Speaker. I wish I had more than two minutes, but in my short two minutes I will thank those who have spoken to the bill, those in favour and even those opposed.

Just very quickly to the member for Haldimand–Norfolk–Brant, who says that we have more important things to deal with, private members’ time is once a week and we get two bills to deal with Thursday morning. This is the time to fill in the gaps, to fill in the holes. The government is dealing with education; the government is dealing with health care. The government is dealing with the issues of the day. Private members bring forward issues that are important, and I think this issue is important. If you don’t think so, then I respect your view, but I respectfully disagree with your view.

To the member for Erie–Lincoln, I respect your views as well in many ways. But if you say that the Human Rights Code or the human rights body has no time to deal with this, it reminds me somewhat of the arguments made in the 1960s, when they were talking about racial discrimination and Kennedy and Johnson were bringing forward legislation to eliminate discrimination. Arguments were made that, “You know what? Why do we need this legislation? It’ll work itself out.” But legislation was needed.

1100

I wish we didn’t need this legislation here today. I wish that things would work out the way they are supposed to work out. However, there are some—not all, but some—establishments, proprietors, who do discriminate based on gender, and that has to be dealt with. That,

unfortunately, has to be dealt with through the legislation that's in front of us today. Again, I ask for the support of those members who are here today.

The bottom line is this: A dollar in the hands of a man should be worth the same as a dollar in the hands of a woman. The bill makes it absolutely clear that if more work is required, yes, you do pay more. But if a woman spends 20 minutes in a chair and a man spends 20 minutes in a chair to get their hair cut, the price should be the same. A woman shouldn't have to go out and shop for her rights; she shouldn't have to go looking throughout Toronto to find a dry cleaner who will give her the same price as a man.

Finally, to the member from Niagara Centre, as far as my own personal wardrobe goes, I own five suits, Mr. Kormos. Three of them I bought in 1997; they last a long time. And the shirts are J.P. Tilford, made here in Canada.

The Deputy Speaker: The member's time has expired.

KARLA HOMOLKA

Mr. Robert W. Runciman (Leeds–Grenville): I have a resolution which I will move:

In the opinion of this House, the Attorney General should:

(a) immediately make inquiries of federal correctional officials as to any known or intended residency plans of Karla Homolka;

(b) immediately convey to the Attorney General of Quebec the recommendation and request of this Legislature to the Attorney General of Quebec that should Karla Homolka indicate plans to reside in Quebec or not disclose such information that the Attorney General of Quebec invoke section 810.2 of the Criminal Code prior to her release to seek an order from the court to protect the public, especially by including a reporting-to-police clause in any recognizance she is required to enter into; and

(c) immediately seek such an order should no information be known about her post-release residency or the Attorney General of Quebec declines to seek an order pursuant to section 810.2 of the Criminal Code, in which case the order sought should include all of a residency restriction, police reporting and electronic monitoring clauses in order to best assure the protection of the people of Ontario and Canada from this convicted and dangerous killer.

The Deputy Speaker (Mr. Bruce Crozier): Pursuant to standing order 96, Mr. Runciman, you have up to 10 minutes.

Mr. Runciman: Thank you very much, Mr. Speaker. I appreciate the opportunity.

I have to say at the outset that I'm somewhat flattered by the fact that I have introduced two resolutions since the provincial election a year and half ago dealing with criminal justice issues—one dealing with gunshot wound and knife wound reporting for folks who show up in

hospitals, and I think within two or three days the Liberal government tabled legislation in response to that resolution. I tabled this resolution dealing with Ms. Homolka's pending release from Joliette prison in Quebec, and within days of debating it in this Legislature, the Attorney General, Mr. Bryant, called a press conference to announce that indeed his officials, crown representatives, are going to go into the province of Quebec to appear before a provincial court judge, asking for conditions which would apply only in the province of Quebec.

This is passing strange, to say the least. I have significant concerns about the approach of the Ontario government, the announcement made by the minister, which I think was rushed for political reasons, to try to exercise political one-upmanship, because we are going to be debating a serious and responsible resolution in this Legislature today. For whatever reasons, the Attorney General, in his effort to build his reputation as a crime fighter, was not content to allow the debate to occur in this Legislature and perhaps beat him to the punch.

That's truly unfortunate. I think it is an insult to the victims of the Homolka-Bernardo horrific crimes. In my view, it may jeopardize meaningful efforts to place constraints on Ms. Homolka. There's a whole series of issues surrounding this, and I found Mr. Bryant's announcement very curious: sending Ontario officials into Quebec to make this application before a Quebec judge, to place constraints upon her in Quebec. That should strike anyone as unusual. If you know the attitude of the Quebec government on virtually every other issue where it involves their jurisdiction, we know they are very protective.

I made some efforts in the last few days to contact Quebec officials to try to get a better understanding of why this is being approached from Ontario with what Mr. Bryant suggests is their complete support. Finally, a friend of mine, who is a member of the Quebec assembly, spoke to the justice minister in Quebec yesterday—this is two days after Mr. Bryant's announcement—and asked him about this, about why they are agreeing to this. The justice minister didn't know anything about it. He had never been contacted by the Attorney General. He didn't know about it. Two days after a press conference in this building saying that we're sending crown officials into Quebec, the Quebec justice minister had never been contacted.

If you read the Criminal Code, section 810, it clearly specifies that any person who fears on reasonable grounds that another person will commit a serious personal injury offence as defined in the section may, with the consent of the Attorney General, lay an information before a provincial court judge—with the consent of the Attorney General. That would be the Attorney General in the province in which the application is being put forward. And here we have the Attorney General in the province who has not even been contacted, but the minister is making an announcement that he's going into the province and that his officials are going to do this.

That should concern us all. I think it has the potential to jeopardize any meaningful constraints if they are going

to try to appear before a court without the consent. They may ultimately get the consent—I don't know—but I think it certainly highlights the fact that the Attorney General rushed into this exercise for political reasons. I think we should all be concerned about that effort on his part.

Yesterday, I talked to Alan Cairns, the crime reporter at the Toronto Sun, and Paul Cherry, the crime reporter at the Montreal Gazette, and they hadn't had recent updates. This was prior to my contact with the Quebec justice minister. They said that as of three weeks ago, they talked to officials in Quebec—both Cairns and Paul Cherry—and Quebec officials didn't know anything about this. So I think that we should all be concerned about what is happening here.

This is also a very tricky jurisdictional question. I mentioned that Quebec is traditionally very protective. I think there are other areas that we should be expressing concern about here. I don't have a lot of time. There's a very serious issue with a pedophile coming into Ontario—not into Quebec but into Ontario—which I have not heard the Attorney General speaking about. He has admitted up to 100 sexual assaults on children.

Mr. Peter Kormos (Niagara Centre): An incorrigible.

Mr. Runciman: An incorrigible and untreatable pedophile. He's coming into Ontario, but Mr. Bryant, because he can get the cameras with respect to Karla Homolka, has made an announcement that he's going to cross the border without the knowledge of Quebec officials and deal with Ms. Homolka.

My resolution is talking about working with Quebec to help those officials bring an 810 application—a supportive role, which we should be playing—and engaging the victims, the victims' counsel and certainly the police agencies that conducted the investigations into this matter. But that's not happening.

One of my colleagues will talk about what's really happening in this government. They've closed down the victims' office and fired the most prominent victim advocates in this country, Sharon Rosenfeldt and Pricilla de Villiers—fired, kicked out by the Liberal government. They've shut down the Ontario Crime Control Commission but kept a false front. They've shut down Project Turnaround for young offenders, one of the most effective efforts to turn around young offenders in this country's history. They have done nothing to deal with the overcrowding situation in the remand centres in this province, where very serious people are getting three for one when it comes to sentencing. Those are issues that they have done absolutely nothing about.

1110

I have a few minutes to talk about Ms. Homolka, and we certainly express our continuing support for the victims of the crimes of Ms. Homolka and her husband, Mr. Bernardo: the Mahaffy family, the French family and, of course, we cannot forget Tammy Homolka, Ms. Homolka's sister, who also had a violent death as a result of the actions of Ms. Homolka and her husband.

There are a number of things. Justice Galligan reviewed the plea bargain agreement, and I think the Attorney General of Ontario, if he's serious about dealing with this issue from an Ontario perspective, should review Justice Galligan's report. I think there are opportunities in that report that could be pursued.

If you look at the plea bargain itself, there is a reference in it to Ms. Homolka's commitment to only tell the truth. It's signed by our good friend Murray Segal, who is a director in the Ministry of the Attorney General. I believe Murray is still with the ministry.

In his letter to Ms. Homolka's counsel: "Your client need provide sworn testimony in any and all proceedings to which she is subpoenaed by the crown arising from her cautioned statements and she will tell the truth."

That's part of the agreement. We know she didn't tell the truth. We can thank Ken Murray. I'll have some reference to Mr. Bernardo's lawyer, Ken Murray.

Justice Galligan indicates that the plea bargain did not contain any references to immunity from prosecution for perjury. I think we should pursue that. We should consider that seriously. It also did not provide immunity with respect to a very serious sexual assault, which is described as a Jane Doe, on June 7, 1991. That was not part of the plea agreement. Those are opportunities, I believe, for the Attorney General to pursue. In consideration of the victims, Leslie Mahaffy and Kristen French, he should pursue those very vigorously.

I want to mention Mr. Bernardo's lawyer, Ken Murray, as well. This guy got off scot-free. It's a shameful situation where there was a significant investigation by the OPP. Mr. Murray, Bernardo's lawyer, who concealed these tapes from officials, was charged with obstruction of justice by the OPP. The courts let him off. That is shameful. Then the law society let him walk away from this. This man, to my knowledge, is still practising law in the province of Ontario. I don't know if we can revisit that, but if there's any way we possibly can revisit it and remove this man's licence, we should be doing it.

The Deputy Speaker: Further debate?

Mr. Kormos: I rise to speak to this resolution and in support of it. I want to commend the member from Leeds–Grenville, Mr. Runciman, for putting this matter on the order paper. I have no doubt that Mr. Runciman, having served notice of this motion, did a great deal to prompt the Attorney General and his ministry here in the province of Ontario to move, as they stated they have, with respect to the pursuit of a section 810.2 application with respect to Homolka.

I am, however, shocked, as all of us should be, to learn from Mr. Runciman today that the announcements that were made by this government and its Attorney General with respect to the pursuit of a section 810.2 recognition are for all intents and purposes news to the authorities in Quebec. We had every indication—it wasn't suggested; it was stated overtly—that the Attorney General was going to have some of its lawyers called to the bar in Quebec for the specific purpose of participating in this application, but where the origins of the appli-

cation clearly have to come from the Quebec counterpart of our Ministry of the Attorney General and its crown attorneys. So that betrays the announcement earlier this week as being perhaps a little more spin than substance, and that should be of great concern to all of us.

Mr. Runciman is quite correct about the fact that Homolka isn't the only dangerous, predatory, convicted criminal to be released from jail and possibly coming to communities here in the province of Ontario—quite frankly, anywhere in Canada, for that matter.

My concern is that there is precious little case law around 810.2 applications. One of the explanations that's offered up is that we don't have—I've asked the Ministry of the Attorney General to give me hard numbers on how many of these applications have been made since section 810.2 was brought into the Criminal Code. I haven't received an answer from the Ministry of the Attorney General yet. I don't want to pre-judge the matter, but my suspicion is that it's because they're not all that common. And maybe that's just as well, maybe they should be preserved for the extraordinary case, but if Homolka isn't an extraordinary case, then none is. There is a paucity of case law, and one explanation that's given is that section 810.2 recognizances that are obtained are the result of a negotiated set of terms and conditions.

You read, as I did, the commentary of two very, very competent Toronto lawyers. One indicated that any good defence counsel—and I'm paraphrasing here—would have little problem defending Homolka in the context of this application. Another equally competent lawyer, one who I know and for whom I have a great regard, indicated that it should be a slam dunk to get a recognizance. But the fact is, and as I have indicated, a valiant effort on the part of the Attorney General notwithstanding, it's still a matter of the appropriate court applying the law, and it's not a done deal by any stretch of the imagination.

You also have to understand that section 810.2—and it's not the Attorney General's fault—restricts any recognizance to a maximum of 12 months. Of course, the Attorney General would respond that the Attorney General can go back to the well, back to the court, for another 12 months and another 12 months. But again, not wanting to pre-judge and just speculating, there may be a point at which a judge says, "No, the crown has exhausted its opportunities," depending upon the circumstances of the service of that previous 12-month recognizance, in this instance, by Homolka.

People in this province, people across Canada, deserve to be protected—in my view, have a right to be protected—from the likes of Homolka. If in fact the Attorney General is frustrated by the limited tools available to him here in the province of Ontario, I share his frustration. But I will be so bold as to say this: The people in any community where this convicted and dangerous offender should decide to live have a right to thorough, complete, absolute protection. At the end of the day, a recognizance is but a piece of paper and it's only as good as the subject of the recognizance's willingness to abide by the terms and/or the ability of the police in

that community to supervise that person with respect to the terms of the recognizance. First and foremost, any recognizance will contain the condition that that person keep the peace and be of good behaviour. That's broad-ranging, but that's where we get into the issue of the capacity of any given community to supervise the person named in that recognizance to ensure compliance with the recognizance. It is but a piece of paper.

1120

I have concerns, because this Legislature is haunted far too frequently by questions during question period about a dangerous spouse released on a recognizance after arrest who then attacks his or her—usually his—partner again, sometimes murderously. What better way to illustrate that a recognizance—I mean, those people were out on recognizances too, a recognizance of bail. It's nothing more than a piece of paper, nothing more than the willingness of the person named in the recognizance to abide by its terms and certainly the capacity of the community to supervise that person with respect to that recognizance.

It is not partisan to say that we know that police forces across this province, and I dare say probably across the country, are working with persistently and even increasingly scarce resources in terms of staffing and other tools that are critical to their doing their jobs safely, effectively and efficiently. So I'll be so bold as to say this, and I don't think it is very bold at all under the circumstances: The people of any community that Ms. Homolka decides to live in upon her release have a right to thorough, complete protection. If that means an obvious, marked police presence, conducting surveillance of her around the clock, then so be it, because there shouldn't be one of us who has to look into the eyes of the parents of a child, a young girl, who might become Homolka's next victim.

There will be some who will accuse me, and maybe at the same time Mr. Runciman—I'm not sure—of being overly dramatic. I respond by asking people to simply recall that all-too-recent history of the revelations of the incredible and despicable and atrocious crimes. While our memories may have faded somewhat, the memories of the parents of the victims of Bernardo and Homolka haven't faded at all and I suspect become more acute as each day passes. Do any of us want to have to look into the eyes of yet another pair of parents of yet another victim?

During the course of the crown presenting its case in pursuit of a section 810.2 recognizance, I trust there will be reports of the evidence offered up to substantiate the federal parole board's opinion that Homolka is an offender—let me have this right—"likely to reoffend." That goes beyond mere "not rehabilitated"; it is "likely to reoffend." How much more notice do we have to have? How many more red flags have to be waved? How many more sirens have to be sounded? How many more alarms have to be rung? The community that is forced to expend scarce police resources on an effective around-the-clock surveillance of Homolka has to be guaranteed financial assistance from, in my view, both senior levels of gov-

ernment. Protecting people from Homolka will be an expensive exercise, but it will be an exercise that, in my respectful submission to you, we can't afford not to invest in. We can't afford not to invest in the exercise of protecting people from this and similar very dangerous, highly predatory, incredibly devious criminals.

The reports we have—I'm being cautious, because one doesn't want to pre-judge—are that this Homolka did not participate in any of the rehabilitation programs available to her during the course of her imprisonment, but for obtaining a bachelor's degree courtesy of the taxpayers of Ontario, when every one of us knows of so many families that struggle, sometimes unsuccessfully, to get their kids into and through college and university. But the reports we have available to us now are that she didn't participate in one rehabilitation program while serving in custody.

Look, this isn't somebody who forged a couple of bad cheques and did their three months and is now out. This isn't somebody who got caught up with the wrong crowd and got involved in stealing cars and did their six months and then got out. This isn't some youthful offender who has since matured and recognized the foolishness of his or her criminal activity. This is a ruthless, cold-blooded, homicidal, predatory, sociopathic personality who, in my view, deserves nothing but our disdain and who, in my view, has to be contained in the legal ways permissible so as to prevent her from ever committing another of the atrocities that she admittedly—she pleaded guilty. She admitted the atrocities that she was guilty of and certainly a party to.

I look forward to seeing this chamber support this resolution. I believe it then sends a strong, clear message that the pursuit of a section 810.2 order isn't the passion of but a crown attorney or a couple of police officers, but is the wish and will of the people of this province.

Mr. David Zimmer (Willowdale): Many people believe that Karla Homolka should never set foot outside of a federal penitentiary. The fact of the matter is that Homolka has served her sentence and will soon be released. She's served every minute of every hour of every day of her sentence.

However, it is not the intent to permit Karla Homolka to exit prison in a few short weeks only to slip away into the comfort and security of obscurity somewhere in Canada. The public can rest assured that crown prosecutors are prepared for Ms. Homolka's impending release. The public needs to know that every means possible has been and will be taken to ensure that their safety and that of their children and families is protected.

Crown prosecutors are seeking now to obtain a strict recognizance order in Quebec under section 810.2 of the Criminal Code. Such orders generally serve to place restrictions on where someone can go and with whom they can associate. They have regular reporting requirements on their whereabouts and other activities; these reporting requirements are to the police. They subject a person to a curfew. They prohibit a person from using alcohol and non-prescription drugs.

The idea is to offer as little opportunity as possible for people like Homolka to reoffend. It is the intention of our prosecutors to seek from the court the strictest recognizance conditions in order to monitor strictly Karla Homolka.

1130

Some people might be concerned about the apparent limitations of such an order. What if she decides to pick up and move to another part of the country? It's true that the recognizance order being sought will apply in Quebec, but more importantly, it will serve to keep Karla Homolka from slipping away as soon as she is released from prison. It will also set in motion an organized system that will remain an ever-watchful eye on her, no matter where she goes.

The government of Ontario has worked diligently and secured the co-operation of every provincial and territorial government in the country in order to monitor Homolka. The intention is that upon her release she will not simply be able to walk away from prison, never to be heard from again. Our court system is determined to know the whereabouts of Karla Homolka, no matter where she resides in Canada.

Some people might argue that such measures are overly harsh and even border on harassment. There are grounds, however, to support such actions. Ms. Homolka's last parole report classified her as a poor risk for early release because she was likely to reoffend. Now, for the time being, she is going to be released from prison. However, should Homolka breach any of the conditions of her recognizance order, she will be swiftly and vigorously prosecuted and could even end up behind bars again.

Senior crown prosecutors are already seeking restrictions on Karla Homolka. The full co-operation of Quebec prosecutors, with the full assistance of the Quebec justice minister, has already been secured. This resolution before us this morning is therefore unnecessary and redundant. Further, it's a violation of the legal rule of sub judice, which is a constitutional convention that holds that elected officials and this Legislature must not prejudice a proceeding before the court by giving direction to the Attorney General, the independent crown attorneys or the courts. That's what this resolution seeks to do.

In short, this resolution being debated this morning is unnecessary, unconstitutional and improper. I urge members of the House to vote against it, to leave the matter of Karla Homolka up to the crown prosecutors and the judicial system.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I wish to address this troubling issue, the release of one of Ontario's most notorious sex offenders and killers. This is a unique situation. It is deserving of unique treatment, and we have to find a unique solution.

As we know, Homolka is slated to be released from Joliette on July 5. There are some in our society who always have had an unfortunate interest in those who have committed the most horrific of crimes. Usually,

however, these offenders are unreachable, whether it be due to the fact that they are either never caught or are locked up for life, or, in the case of the United States and other countries, are executed.

The Homolka case is different. This is pointed out by Robert Thompson of Syracuse University in an April 9 Toronto Star article: "Her situation is unusual because it doesn't happen all that often, with spectacularly horrible cases, that the person comes to live on the other side of the bars with us." Here we are, a mere three months before her release, contemplating just how such a person will soon be unleashed on the people of Canada.

Osgoode Hall law professor Allan Young recently pointed out, "Most people believe that she should either still be in prison or that she poses a risk to the community." I would add that should she be released July 5, given her reputation, her history, this would make her a risk to herself. By releasing her into the general public, I feel that her life will also be endangered, given people's revulsion of her crimes.

The National Parole Board underlined the illogic in allowing this killer to go free when they postponed her early release, determining that she was "likely to commit an offence causing the death of or serious harm to another person."

I know these are some of the issues that concern me. My involvement goes back to 1995, when I read a petition in the House to that effect. It was signed by 570 people. I can tell you that that isn't all that people told me. The more vocal, the more incensed, people talked about their concerns for Homolka's release, their concerns not only for their safety but for her safety.

Attorney General Michael Bryant is telling us, "No matter where she goes, no matter what she does ... we will be one step ahead of her." Well, I say good luck. Can you ensure that we'll be one step ahead of a sniper, for example, a hired hit man? That could be the reality of what awaits notorious deviants like Homolka once they begin rubbing shoulders with those that abhor their actions. I ask the Attorney General to find a way. Keep Homolka away from the general public; if anything, for her own safety. Do it.

Mr. Kim Craiton (Niagara Falls): I'm pleased to have the opportunity to speak for a few minutes on this resolution, which I will be supporting.

This gives me the opportunity to maybe vent some frustrations that I and my community—we lived right next door to this. I guess everyone throughout Ontario and Canada lived next door to this horrific situation.

I can still remember sitting on city council, and we had hundreds of people coming in. In fact, one person in particular, Carolynn Ioannoni, who is a mother of four children and has become a good friend of mine and now is on city council, brought in petitions galore demanding that there be an investigation done into this agreement. I think it is now commonly referred to as the devil's agreement or the devil deal that was made, under which she was allowed almost to be set free—almost; a slight penalty of some sort, maybe a slap on the wrist. Today,

this is where we are. The situation is that she now is going to be allowed to come out on to the streets.

How quickly we have forgotten that all of that took place. In fact, I had the opportunity recently of being given one of the initiating agreements toward this plea bargaining process that went through. I was sitting, reading it, and was utterly amazed about some of the things that seemed to be agreed to. It is signed by Karel Homolka, Dorothy Homolka, Karla Leanne Bernardo, and the Attorney General of the day, Geoffrey Hadfield. Some of the things in here are, "That I am to receive sentences totalling 10 years..."; "That the crown will not seek an increase in the period before" my "eligibility"; "That the crown will write to the parole board, will include a record of my trial proceedings, will indicate my co-operation, remorse, etc. and will indicate on" my behalf that the crown will "leave the matter of" my release "and/or parole should" it come up "up to the parole board without further comment." I could read on.

It is the devil's deal. In fact, that is where we're sitting right now. We have to deal with a devil's deal that was made that has given this person a slap on the wrist. She now has the opportunity to come back into society. The fear is that this will continue. There's no question everyone feels that way.

The Attorney General is taking every possible action that he can. I said I'm supporting the resolution. You've heard from the parliamentary assistant that some of it may be outside of the legal system. Be that as it may, I think that all of us throughout Ontario and Canada are passionate that this woman be watched closely, that she be scrutinized and that she should have no life as we know it, those of us who are free and have the opportunity to travel around our communities and our country. I'm pleased to stand up to show my support for this resolution.

1140

Mr. Ernie Hardeman (Oxford): I rise in support of the resolution on behalf of the member from Leeds–Grenville, a resolution that deals with public safety issues involving such a horrendous case, that over the years has never stopped being in the public eye, a story so horrible, with such a profile in history, that it would be foolish for us to put our heads in the sand. This case involves serial offender and killer Karla Homolka and her pending release from the Joliette prison in Quebec. I share the concern of my colleague from Leeds–Grenville that upon her release from prison, Homolka poses a grave risk to our communities. That's why I'm supporting the resolution being debated.

I believe that the government of Ontario must vigorously pursue every legal channel possible to protect the public from Homolka once she's released from prison in July. It is absolutely imperative that this province do everything possible to guarantee that the public will be safe upon her release, that the strictest conditions and safeguards be put in place so that, as the minister says, we'll always know where she is and what she's doing. The public deserves the right to feel safe in their homes and on the streets.

There will always be crime, and there will always be victims of crime, but what Homolka and her husband, Bernardo, did was beyond any nightmare anyone could imagine. I understand that in mid-June, an application will be made before a Quebec provincial court judge to limit Homolka's freedoms under the Criminal Code. But what concerns me most, and has been mentioned before, is that we're being told there is no guarantee that any restrictions on her daily activities will be granted by the provincial court. That's why I think this resolution is necessary. It has been 12 years, and we're now faced with the reality that Homolka can walk away from prison. It defies logic that anyone who was involved with and committed a series of brutal murders such as the ones she was convicted of can be certified as completely rehabilitated, and that she will not offend again.

I again state my support for this resolution, and I implore the provincial Attorney General to fight for public safety by legally requiring Homolka to be restricted as to where she can go, whom she can associate with, and to enforce curfews and force her to report regularly to the police. It has been discussed very publicly that there are reasonable grounds to believe that she may harm again. Let us all do what we can to ensure that she can never have the opportunity to do this again. I ask everyone in this Legislature to support this resolution.

Ms. Jennifer F. Mossop (Stoney Creek): I am supportive of this resolution, and I'm supportive of any attempt being made, including the work of the Attorney General, to deal with this matter. And I will not ever say that the member from Niagara Centre is being overly dramatic in this case, because I remember very well the day of Karla Homolka's trial.

I was an editor in a newsroom in Hamilton, and as a society we had all waited a very long time to hear the details, mostly because none of us could fathom what those details might be. That day, the agreed statement of fact was read into the record and there was a publication ban slapped on in order to not prejudice the future trial of Paul Bernardo. But as an editor, our reporter was well within her rights to tell me the details, and that's what she did. I sat under the harsh lights in the newsroom, with the police monitor chattering away behind me, and for an hour and a half I listened on the phone to the details, from which every fibre of my being recoiled. At midnight, I got into my car and drove for two hours, through the darkness, to my cottage. I went inside and sat in the chair, facing the window, and stared out into the darkness. I sat there, without moving, all night long and I was searching all night long, through the horror that I had heard, the unfathomable horror that I had heard, and I was trying in vain to find some shred of salvation, some saving grace, some glimmer of light, and there was none. It was only darkness—oppressive, impenetrable darkness.

I thought about the families. I could not imagine how they were even putting one foot in front of the other every day, how they were functioning at all. I realized they would never, ever again know happiness, that pure,

carefree, light-hearted joy that we saw in the pictures of those teenage girls that shone out of their young faces at us from our television screens for so many months as we waited to learn the details of what happened. I thought, there's always going to be an oppressive shadow, a darkness over them like a low ceiling that doesn't let you stand up straight, ever. They have been sentenced to life. So I commend the member and the Attorney General for their efforts to keep from all of our lives that shadow, that unyielding darkness.

Mr. Cameron Jackson (Burlington): First of all, at the outset, I want to commend my colleague the member for Leeds—Grenville. In the 21 years I've been in this House, it has been my privilege to stand with him on criminal justice issues. He has been a leader, and a consistent leader, regardless of the six different governments that have come and gone since he was first elected.

Today, it's no exception that we find ourselves putting not only elements of the criminal justice system on public display with public debate and in effect on public trial; we're also having to be held accountable for the failure to act on behalf of victims of crime in this province and in our nation.

The context in which I want to place my remarks today in support of this is to remind members that this is not a simple case. It has become more special by the fact that it seems to be one of the unique cases in Canadian history that seem to get the attention of the public and the attention of those in public life, that enough is enough, that changes have to be made and that the rights of victims in this province and this country must be respected and they must be understood and they must be fortified with meaningful legislation.

To that end, both my colleague from Leeds—Grenville and I have tabled numerous pieces of legislation. We participated in the national debate on Bill C-55, and in this province the genesis of that was the brutal abduction, sexual assault and murder of young Christopher Stephenson by an individual who was on early release without any leash whatsoever. This sexual predator, who was cruising a mall in the city of Toronto looking for his prey, was obviously able to do this on early release. The key point here is "early release." So many of us went to Ottawa to argue the case for Bill C-55, section 810.2 of the Criminal Code, that deals with all aspects of corrections and conditional release in our Criminal Code. We fought hard to get that legislation. When we did that, the first objective was to say that if a judge says that you're guilty and gives you a life sentence, you must stay in prison for life, that life must mean life, the full term. In this country and in this province, criminals were being released after committing the most horrific crimes, who got off one third automatic, then one third for good behaviour. Therefore, they only had to serve one third. These were violent sexual offenders. That's why Christopher Stephenson died in our province, in our midst, virtually without any reaction.

It was six or seven years later that a government in this province—and I'm proud to say that my colleague

and I and others were part of the government to bring in Christopher's Law, to begin a pedophile registry, to start DNA database testing, to do a whole series of pieces of legislation that would better protect the public of Ontario. Now we find ourselves arguing over a section of the federal Criminal Code and asking the Attorney General of the day to trigger what amounts to a peace bond, a leash that'll be put on this terrible person, Karla Homolka, for periods of up to a year that can run concurrently.

1150

We have to ask ourselves, why is it that in the 18 months of the Dalton McGuinty government we can find no instance where this section has been sought out by the Attorney General of our province to help protect the citizens of this province from sexual offenders? I can say that on three separate occasions I've raised this issue in the House. I've named the sexual predators who were on early release. They are, in fact, dumped in the city of Hamilton; it is the preferred dumping ground for sexual offenders out of the federal penal system. The children in the city of Hamilton and the surrounding communities are at a higher risk than anywhere else because of that fact. People like Roy Green, on his radio show, myself and many others—Priscilla de Villiers, still Debbie Mahaffy and her voice—plead with politicians to change the laws. I pleaded with the Attorney General, "Will you please contact the federal government and ask them to make sure that these pedophiles fill their full term and that we apply this section to them?" Did I get an answer? No. I was chastised because I was making—

Mr. Richard Patten (Ottawa Centre): What did you guys do?

Mr. Jackson: We went out and created the legislation. We brought in a Victims' Bill of Rights, a victims' justice fund. We brought in legislation that said that Homolka and Bernardo could not profit from their hideous crimes and make money off them. The member from Ottawa asks, "What has your government done?" You've dismantled the Office for Victims of Crime; you fired Scott Newark, probably the top legal counsel in North America on these issues; you fired Priscilla de Villiers. That is your record.

When I stood in the House and asked that you provide additional funding for police services, something our government did, to go after pedophiles and seek out pedophiles and sexual predators on the Internet, the government members made promises to police forces in Hamilton, York, Peel and Halton. Did they honour those promises? No. I've got an order paper question in right now asking—this Liberal government brags about having a program that involves the OPP. They turned their backs on the local police forces that are doing the work and don't resource them; they haven't flowed the dollars. I've asked, "Have you even had a meeting?"

The trouble is, we've got an Attorney General who is the fastest politician I've seen in this House in years to get in front of a TV camera, but when he's asked by members on all sides of the House if he will act in the

best interests of public safety, he's nowhere to be seen. The truth of the matter is, he's busy getting in front of a camera to tell the Attorney General in Quebec what he should be doing, when he has failed to go before the courts in his own province to protect communities and children from dangerous sexual offenders.

For those of us who fought for years on behalf of the families—I still maintain a considerable amount of contact with Debbie Mahaffy and her son, Ryan, constituents of mine; with Priscilla de Villiers, whose daughter, Nina, was sexually assaulted and murdered. These families continue to bear the pain, but what hurts the most—and everything I've ever learned about the victims, every single one who has had an opportunity to touch my life—is that they don't want anyone else to experience what they experienced; they don't want anyone else to be victimized. The most powerful instruments are to empower the lawmakers and our court system to do what it was designed to do, not to help prove the innocence of a criminal mind—oh, it does very well in that department—but to protect the people of this province.

I want to say to my colleague from Leeds–Grenville, I commend you for bringing this forward. It's unfortunate that the Attorney General is a johnny-come-lately to these issues, but I want to stand proudly in support of your resolution.

Hon. James J. Bradley (Minister of Tourism and Recreation): Thank you for the opportunity to speak on this resolution. I'll be supporting the resolution today, though I must confess to being somewhat disappointed by the partisan nature of the debate in private members' public business today.

As the member for St. Catharines and a friend of the French family, I remember well the great difficulties that confronted that family. There were many opportunities to get personal publicity as the member for St. Catharines or to take partisan shots, and I resisted those over the years because I felt it was right to resist them. I remember a television reporter coming down to ask about something. I had an idea what it was going to be about. When the person asked, I said, "Is this about unemployment in the Niagara region?" I listed several things. I said, "It's Bernardo, isn't it?" "Yes." I said, "I have nothing to say about Bernardo."

I think it's most unfortunate when these circumstances are exploited. I remember I used to have a headline, when I was over on the other side, when there were petitions, that said—I won't hold it up—"Tories Stand by 'Deal with the Devil': Judge's Review Upholds Infamous Homolka Plea Bargain."

The minister at the time, Charles Harnick, a good friend of mine, who was the Attorney General, did not overturn that deal. I could have at the time gone wild publicly, had press conferences and so on. I think Charles Harnick made a very difficult decision. I respected the fact that he had a very difficult decision to make and that his hands were tied. I would have preferred to see that deal overturned, and I'm sure those involved with the investigation, if they knew those tapes existed, would

never, never have made this deal with Karla Homolka, who was every bit as guilty, as it turned out, as Paul Bernardo in this particular case.

We have to remember that this person is still a threat to society, that indeed, particularly in tandem with another Paul Bernardo-type of person, she could definitely present a threat to a community. Yes, there's a lot of attention to this particular person. The crimes were horrendous. It was a traumatic experience for our entire community. Of course, for the family of Leslie Mahaffy, Doug and Donna French, the family of Kristen French, the children and the family, the relatives and friends, it was a traumatic experience. Every time I see the names "Bernardo" or "Homolka" listed in a newspaper or covered in a movie or in a book, I become repulsed at hearing those names. I wish we never had to hear them again.

I think our Attorney General has taken some positive action in this regard. I commend him for it. The member for Leeds-Grenville is sincere in these matters, and he has been for all the years I've known him in the Legislative Assembly. I want to support his resolution because I think he sincerely believes that the action he is advocating is the very best action to take. I urge the people of this province to boycott any film or book that would enhance the reputation of Bernardo or Homolka.

The Deputy Speaker: Mr. Runciman, you have two minutes to reply.

Mr. Runciman: I appreciate the input of all members who participated in the debate this morning.

I appreciate the comments of the member from St. Catharines with respect to the partisan nature of the debate, and certainly my concerns that I expressed earlier about the approach of the Attorney General were not, I don't believe, partisan in any way, shape or form. I have genuine concerns about the fact that this resolution was to be debated today. There seems to have been a rush to announce other activities on the part of the government prior to this debate occurring. Maybe that's a misinterpretation, but the fact that the Minister of Justice in Quebec as of yesterday morning was unaware of this effort certainly raises concerns.

With respect to what happened in terms of the plea bargain agreement, the fact that Ms. Homolka only received 12 years on two manslaughter convictions certainly upsets most Canadians when they look back at it, and the fact that she is now going to be a free woman in a few short weeks—again, very serious concerns. She is a predator and could pose a threat to Ontarians in the future, and I think we have to be genuinely concerned about that. I also think that the participation of Mr. Bernardo's lawyer, Ken Murray, in concealing evidence, which was a significant contributing factor to this plea bargain that was arrived at, should be reviewed, along with the efforts in terms of perjury and the Jane Doe sexual assault in 1991, which were excluded from the plea bargain agreement.

We always have to ensure that there is every effort on behalf of three young women who lost their lives to this

monster couple and their families who have to live with the brutal reality that this predator will shortly be free. Anything we can do on their behalf, we should do, as an assembly and as a government.

The Deputy Speaker: The time provided for private members' public business has now expired.

GENDER-BASED PRICE DISCRIMINATION PROHIBITION ACT, 2005

LOI DE 2005 INTERDISANT LA DISCRIMINATION DES PRIX FONDÉE SUR LE SEXE

The Deputy Speaker (Mr. Bruce Crozier): We shall deal first with ballot item 59, standing in the name of Mr. Berardinetti.

Is it the pleasure of the House the motion carry?

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Carried.

Mr. Lorenzo Berardinetti (Scarborough Southwest): I would ask permission to have this bill brought to the standing committee on social policy.

The Deputy Speaker: Mr. Berardinetti has asked that the bill be referred to the standing committee on social policy. Agreed? Agreed.

KARLA HOMOLKA

The Deputy Speaker (Mr. Bruce Crozier): We shall now deal with ballot item 60, standing in the name of Mr. Runciman.

Is it the pleasure of the House the motion carry?

All those in favour, please say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

The division bells rang from 1202 to 1207.

The Deputy Speaker: Mr. Runciman has moved ballot item 60. All those in favour, please stand and be recognized by the Clerk.

Ayes

Arnott, Ted	Gravelle, Michael	Munro, Julia
Barrett, Toby	Hardeman, Ernie	Oraziotti, David
Berardinetti, Lorenzo	Hudak, Tim	Parsons, Ernie
Bradley, James J.	Jackson, Cameron	Patten, Richard
Broten, Laurel C.	Kennedy, Gerard	Qadri, Shafiq
Brownell, Jim	Klees, Frank	Racco, Mario G.
Chambers, Mary Anne V.	Kormos, Peter	Ramal, Khalil
Colle, Mike	Kwinter, Monte	Runciman, Robert W.
Craitor, Kim	Lalonde, Jean-Marc	Ruprecht, Tony
Delaney, Bob	Leal, Jeff	Sandals, Liz
Dombrowsky, Leona	Levac, Dave	Tascona, Joseph N.
Duguid, Brad	Martiniuk, Gerry	Van Bommel, Maria
Duncan, Dwight	McNeely, Phil	Wilson, Jim
Flynn, Kevin Daniel	Mitchell, Carol	Witmer, Elizabeth
Fonseca, Peter	Mossop, Jennifer F.	Wynne, Kathleen O.

The Deputy Speaker: All those opposed, please stand and be recognized by the Clerk.

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 45; the nays are 0.

The Deputy Speaker: I declare the motion passed.

All matters relating to private members' public business having now been completed, I do leave the chair. The House will resume at 1:30 of the clock.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

VOLUNTEERS

Mr. Cameron Jackson (Burlington): Next week is National Volunteer Week, a time during which we honour and gratefully acknowledge all those Ontarians whose vital contribution of their time and energy make such a tremendously positive impact on our communities.

National Volunteer Week was first proclaimed in 1943, when women's voluntary services organized special events across Canada to publicly acknowledge the vital contribution of women to the war effort. Today, more than 6.5 million Canadians contribute more than one billion hours of their time to make a difference to their fellow citizens.

This year's theme of National Volunteer Week is Volunteers Grow Community. It is an appropriate one as volunteering truly does help build vibrant, strong and prosperous communities. Volunteers serve on boards and committees, organize cultural and recreational activities, support the elderly, provide shelter, counsel youth, coach teams and do much, much more.

On Monday, I will have the privilege of volunteering myself as I serve an appreciation luncheon every year to the volunteers of the Canadian Red Cross, Burlington branch, who work tirelessly delivering Meals on Wheels and many other services in our community. Without the invaluable services of our volunteers, many organizations such as the Red Cross simply could not function.

On behalf of my leader, John Tory, and the Ontario PC caucus, I would like to take this opportunity to salute and to thank our volunteers for all that they do on our behalf throughout the year. The very best way to show our appreciation for them is to become volunteers ourselves and join their ranks.

ARMENIAN GENOCIDE

Mr. Brad Duguid (Scarborough Centre): I rise today to mark the 90th anniversary of the Armenian genocide. April 24, 1915, was the start of a planned and systematic campaign to eradicate the Armenian people from present-day Turkey, the last century's first case of ethnic cleansing. One and a half million Armenian men, women and children were brutally killed.

At the time the world community, constrained by politics, sat idle and did nothing. Thus, the stage was set for other genocides and human tragedies, such as the one that occurred in Rwanda in 1994. In fact, upon unveiling his final solution for the Jewish people during the Holocaust, Adolf Hitler noted to his aides that the world would not lift a finger because, in his words, "Who today remembers the Armenians?"

History has an unfortunate tendency to repeat itself. Perhaps if the rest of the world acknowledged the horrific reality that what happened to the Armenians in 1915 was genocide, it's possible that subsequent genocides might have been averted.

Facts are facts. You cannot have justice without truth. You will not see true healing without full acknowledgement and recognition.

On Sunday, April 17, many of my colleagues from this assembly and I will be in the Armenian Community Centre in Toronto to commemorate the lives lost in this first genocide of the last century. I urge you and all of us to commemorate this event with the Armenian community in Toronto.

I am proud to be a member of this assembly, which has long spoken out on this issue, and I commend members from all sides of the House who have taken an active interest in it, particularly the member from Don Valley East, the Honourable David Caplan, and the member from Scarborough-Agincourt, the Honourable Gerry Phillips.

RURAL ONTARIO

Mr. Toby Barrett (Haldimand-Norfolk-Brant): Ontario's tobacco counties are being shortchanged by this government. On March 29, AG Minister Peters announced that his government would provide \$35 million in compensation to Ontario's tobacco farmers, not the \$50 million they were expecting. The \$15 million is being subtracted and directed to area municipalities.

Just a few days ago, we learned that this government is now taking back well over \$15 million from those very same tobacco municipalities through their Ontario municipal partnership fund announcement. Brant will see \$2.9 million less than they did last year; Elgin, \$4.49 million less; Norfolk, a decrease of \$7.3 million; Oxford, \$979,000 less; and the town of Tillsonburg will see a decrease of \$451,000. This government promised \$15 million on one hand, but when you add it up, they took away \$16.1 million on the other, through the Ontario municipal partnership fund. This is the former community reinvestment fund.

After looking at the list of the Ontario municipal partnership fund, a reporter asked me this morning, "Why is this government treating rural Ontario so poorly?" I cannot help but think the members opposite are either blatantly insensitive or truly fiscally incompetent.

On behalf of tobacco farmers, the tobacco farming communities and the rest of rural Ontario, I ask that the government restore fair and equitable transfer payments.

VAISAKHI

Mr. Michael Prue (Beaches–East York): Why Guru Jee Ka Call-saw, Why Guru Jee Key Fut-eh.

On behalf of the Ontario NDP caucus and members of the Ontario New Democratic Party, I would like to wish the Sikh community Vaisakhi Luk Luk Va Die—happy Vaisakhi.

Today, Sikhs throughout the world are celebrating Vaisakhi, the day their 10th guru, Gobind Singh Jee, created the order of Khalsa. Guru Gobind Singh Jee told the Khalsa that they needed to have a unique physical identity so that anyone in need of help could ask. The identity includes the five articles of faith that are commonly known as the five Ks: the kesh, or uncut hair; the kirpan, or ceremonial sword; the kara, the steel bracelet; the kanga, which is a comb; and the kaccha, which is the unique form of underwear.

Sikhism stresses equality of all people regardless of race, religion, culture, gender and economic class. I would think too that that is what we practise here in Ontario.

Sikh Canadians have contributed greatly to communities from coast to coast, at times surmounting enormous barriers. More importantly, the Sikh community has helped to build a vibrant and diverse Ontario both economically and socially. Indeed, their involvement in business, education, technology, health care and community service have made this province a more vibrant place in which all of us may live. Their shared culture of love, acceptance and respect has been expressed through the generosity of their community. Their desire to make Ontario a better place for everyone is to be applauded.

Please join me in wishing the more 20 million Sikhs worldwide a very happy Vaisakhi.

HOSPITAL FUNDING

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Opposition members tend to criticize the level of service that Ontarians are receiving in our hospitals. I'm rising today to say that the McGuinty government's health care program is working. Our health minister, George Smitherman, has stood up for better and improved health care services for Ontarians. The days of the Harris-Eves government's mismanagement of health care are over.

Yesterday, I went to the Ottawa Riverside hospital to receive health care services. It was my first-ever visit to that hospital, which is not in my riding. The staff had never seen me before and did not know who I was. I arrived for an early morning appointment and was seen right away by friendly staff. While there was some confusion over my appointment time, the helpful staff made sure to locate a great doctor within less than a minute, and the situation was cleared up immediately.

I would like to thank Sylvie Philippe, Ghislaine Labine and Claire Bertrand, who greeted me so warmly, and Dr. Blais, who looked after me so well. I would like

to say that the Ottawa Riverside hospital is a five-star hospital, and its health care team and support staff are providing excellent service to the citizens of Ontario. Only after I called back later to thank them for their efforts did they realize that I'm an MPP.

We are on the right track. Clearly, the McGuinty government's investments in health care are paying off.

REGION OF PEEL

Mr. Tim Hudak (Erie–Lincoln): Do you know what? I have to admit it: We were wrong. We've been saying that we've not seen one single Liberal ever vote against Dalton McGuinty and the orders from the Premier's office, despite his promise to the contrary. But now one brave member, the member for Brampton Centre, Linda Jeffrey, has said that she is going to stand against Dalton McGuinty and vote against his plan to restructure the Peel region. Clearly, she is tired of trying to figure out that bouncing-ball policy that has seen Dalton McGuinty take about six different positions on this issue in the last year alone. In fact, the finance minister, Greg Sorbara, had a different opinion than Dalton McGuinty on this issue. We will see how he votes. I don't know why they won't stand up to Dalton McGuinty, because Dalton "Muscles" McGuinty, whenever he draws a line in the sand, always backs down. They shouldn't call him "Muscles;" they should call him "Blinky."

1340

The big question is, where do the members for Brampton–Gore–Malton–Springdale, Dr. Kular, and Brampton West–Mississauga, Mr. Dhillon, stand? This is front-page news in Peel, and you can't even find these guys commenting on the back page of the newspapers. They're two intelligent members; surely they have an opinion. But what I fear is that "Bruiser" and "Crusher," Don Guy and David MacNaughton, told them to pipe down, or that Chris "Dr. No" Morley told them not to talk to the press. What I hear, worst of all—Ms. Jeffrey may not know this yet—is that Port Colborne's "Polish Hammer," Bob Lopinski, may make a comeback to try to shut down this dissent.

HOSPITAL FUNDING

Mr. Mario G. Racco (Thornhill): It is with great pride that I rise in the House today to recognize the unprecedented level of support that our government is providing to York Central Hospital in the region of York, one of the fastest-growing areas in the province.

I was pleased to attend the announcement this month at York Central Hospital when the Honourable Greg Sorbara, Minister of Finance, announced the final approval to proceed with phase one of their capital expansion project, news which was enthusiastically received by the hospital board, staff physicians, foundation and donors, and the people of the region of York, who rely on the hospital for their health care services.

This capital expansion will triple the size of the emergency and diagnostic imaging departments, double the size of the critical care unit, create a state-of-the-art birthing centre, create negative-pressure rooms for the isolation of highly infectious patients and provide schedule 1 mental health facilities. The expansion will add 93 in-patient beds to York Central Hospital and add 148,230 square feet to the hospital. This expansion of both space and services will allow for faster patient admission, improved access to emergency services and will shorten wait times for procedures and diagnostic tests.

To date, the Minister of Health and Long-Term Care has committed \$55.5 million of the total \$91.1 million toward the total cost of phase one. The balance of the funding has been provided by the community, and I want to say thank you to the good work done by the York Central Hospital Foundation in the town of Richmond Hill, which raised the money.

This expansion will create a modern, expanded facility that strengthens health care for region of York residents and build on the investments that our government has already made at York Central Hospital, including a new CT scanner and a new MRI suite. This is just another example of our government's commitment to making the Ontario health care system the best in the world. I want to say thank you to the minister.

IMMIGRANTS

Mr. Lorenzo Berardinetti (Scarborough Southwest): I rise today to commend our government's efforts in eliminating the \$23-billion gap that exists between what Ontario contributes to the federal government and what Ontario gets in return.

Ontarians are proud Canadians. We understand that Ontario is the economic engine of the country, and we accept the responsibility of contributing to the federation of provinces. Going toward the future, we need to ensure that Ontario can continue to be a solid contributor to Canada. However, we need a fair deal from our federal counterparts.

One specific area where we need more funding is immigration. My riding of Scarborough Southwest is home to thousands of recent immigrants from China, India, Sri Lanka, the Philippines, Pakistan and other countries, many of whom are trained professionals or tradespeople. Our immigrants need proper settlement assistance to engage them and their families into the life of our province. To do this, our province needs more than the \$819 per immigrant we receive, compared with the \$3,806 per immigrant Quebec receives.

Our province's ability to share with the rest of Canada is compromised if we cannot ensure that our immigrants are the most prosperous they can be. The Premier has asked for a meeting, and the Prime Minister has said he's willing to meet. On the other hand, Jack Layton, leader of the federal NDP, is doing nothing for Ontario. The people of Ontario expect us to work together to find

solutions, and we're looking to work with Ottawa to build a stronger Ontario.

HEALTH CARE

Mr. Michael Gravelle (Thunder Bay-Superior North): I rise today to raise an issue that is important to all Ontarians. Yesterday, the former leader of the Reform Party and Mike Harris released a report on health care. The Reform/Common Sense Revolution duo, writing for that left-leaning organization the Fraser Institute, said that the province should be allowed to privatize health care. Well, Speaker, both you and I know that Mike Harris did his best to take care of Bay Street when he was here. We know how he hurt the people of this province.

I'm wondering what Mr. Tory has to say about his friends Manning and Harris and their report advocating the privatization of our health care system. If you're a high-income earner, I guess it's easy to suggest privatization; I guess you can afford to pay. But what if you don't collect a big pension; what if you don't have a high-paying job?

John Tory needs to look seniors and low- and middle-income earners right in the eye and tell them if he shares the views of Mike Harris and Preston Manning. This past January, Tory told the Guelph Mercury that he would involve the private sector in all government projects, from health care to subway construction.

My questions are these: Does he support the abolition of our valued Canada Health Act? Does he support the privatization of our health care system? Does he support the Conservative agenda unleashed yesterday? Or will he finally stand up for the people of Ontario and say he supports the Canada Health Act because he not only believes in it but supports equal access to health care for all Ontarians?

VISITOR

Mr. Bob Delaney (Mississauga West): On a point of order, Mr. Speaker: I would like to draw attention to the east members' gallery and introduce Mr. Glen Grunwald, president of the Toronto Board of Trade, making his first visit to the House.

The Speaker (Hon. Alvin Curling): It's not a point of order, but he is welcome.

INTRODUCTION OF BILLS

KHALSA DAY ACT, 2005

LOI DE 2005

SUR LE JOUR DU KHALSA

Mr. Dhillon moved first reading of the following bill:

Bill 189, An Act to proclaim Khalsa Day / Projet de loi 189, Loi proclamant le Jour du Khalsa.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House the motion carry? Carried. Mr. Dhillon?

Mr. Vic Dhillon (Brampton West–Mississauga): I'm pleased to introduce a bill that would give recognition to Ontario residents of the Sikh faith who have made and continue to make tremendous contributions to the growth and development of the province of Ontario and of our country. It is important to recognize and celebrate those contributions. My proposed legislation, if passed, will recognize April 13, the day of establishment of Khalsa, as Khalsa Day in Ontario.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I seek unanimous consent to move a motion without notice regarding private members' public business.

The Speaker (Hon. Alvin Curling): The Government House Leader seeks unanimous consent. Is it agreed? Agreed.

Hon. Mr. Duncan: I move that, notwithstanding standing order 96(d), the following changes be made to the ballot list of private members' public business: Mr. Miller and Ms. Scott exchange places in order of precedence such that Ms. Scott assumes ballot item 68 and Mr. Miller assumes ballot item 69; and that pursuant to standing order 96(g), notice be waived for ballot item 62.

The Speaker: Is it the pleasure of the House the motion carry? Carried.

DEFERRED VOTES

TOBACCO CONTROL STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA RÉGLEMENTATION DE L'USAGE DU TABAC

Deferred vote on the motion for second reading of Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts / Projet de loi 164, Loi visant à modifier le titre et la teneur de la Loi de 1994 sur la réglementation de l'usage du tabac, à abroger la Loi limitant l'usage du tabac dans les lieux de travail et à apporter des modifications complémentaires à d'autres lois.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1349 to 1354.

The Speaker: Mr. Smitherman has moved second reading of Bill 164.

All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Amott, Ted	Fonseca, Peter	Pupatello, Sandra
Bartolucci, Rick	Gravelle, Michael	Racco, Mario G.
Bentley, Christopher	Hampton, Howard	Ramsay, David
Berardinetti, Lorenzo	Hoy, Pat	Rinaldi, Lou
Bountrogiani, Marie	Kwinter, Monte	Runciman, Robert W.
Brownell, Jim	Lalonde, Jean-Marc	Ruprecht, Tony
Bryant, Michael	Leal, Jeff	Sandals, Liz
Cansfield, Donna H.	Levac, Dave	Smitherman, George
Caplan, David	Martel, Shelley	Sorbara, Gregory S.
Chambers, Mary Anne V.	Martiniuk, Gerry	Sterling, Norman W.
Chudleigh, Ted	Matthews, Deborah	Takhar, Harinder S.
Cordiano, Joseph	McNeely, Phil	Tascona, Joseph N.
Craiton, Kim	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Munro, Julia	Wilson, Jim
Dhillon, Vic	Oraziotti, David	Witmer, Elizabeth
Dombrowsky, Leona	Parsons, Ernie	Wynne, Kathleen O.
Duguid, Brad	Peterson, Tim	Zimmer, David
Duncan, Dwight	Phillips, Gerry	
Flynn, Kevin Daniel	Prue, Michael	

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

Barrett, Toby	Hudak, Tim
Hardeman, Ernie	Klees, Frank

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 55; the nays are 4.

The Speaker: I declare the motion carried.

Shall the bill be ordered for third reading?

Hon. George Smitherman (Minister of Health and Long-Term Care): I would ask that the bill be referred to the standing committee on finance and economic affairs.

The Speaker: So ordered.

ORAL QUESTIONS

PUBLIC SAFETY

Mr. Robert W. Runciman (Leeds–Grenville): My question is for the Attorney General. After repeated questions from John Tory, you have no answers for the people of Bolton as to what action is being taken to prevent a man charged with the first-degree murder of his wife in a school parking lot being allowed to return home on bail. Put yourself and your family in the place of Bolton residents, having someone charged with murder living just a few feet away from your home. Minister, the bail hearing is Monday. What specifically is being done to ensure that this man stays in prison pending his trial?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I want to assure the member and all members of the community affected by this that we

are taking all the appropriate steps to do all we can to make the case before the courts in a manner that will ensure the community is in fact safe. I am not going to make the arguments that the crown will be making before the courts in this chamber because it's not appropriate and because it may prejudice our ability to make the best case before the court. I can assure the member that we are doing everything we can within our legal means to ensure that this person gets the appropriate treatment by the justice system. The member knows that I just cannot go any further than that.

1400

Mr. Runciman: The minister doesn't mind making political comments when it suits his political purposes. You have the responsibility to ensure that people feel safe in their communities, and you are missing in action.

Yesterday, we learned that a career predator, Lawrence Sears, a man convicted of 22 child sex charges, will complete his full prison sentence in June and likely settle in Toronto. This man has been described as an untreatable pedophile who will undoubtedly attack more children. What specifically are you doing to protect Ontarians and their children from this high-risk pedophile?

Hon. Mr. Bryant: I am aware of the particular case that the member is talking about. I cannot say at this time the position that we may or may not be taking with respect to obtaining a recognizance order. But we do so; it is not on a regular basis, but about 20 to 25 times a year we appear before the courts to obtain orders to ensure that the community is protected from somebody that we feel is a danger to the community. I am not going to say on this particular case what we will do yet. As soon as we are in the position where the police make a recommendation that we do that, I'm happy to advise the member. I can assure him that both the police and our ministry are monitoring the situation very closely.

Mr. Runciman: Maybe we can look forward to a press conference. The minister is failing the people of Bolton and he's failing the people of Toronto. He has chosen to hide behind legal niceties.

Another case, minister: In 1981, in Toronto, Ralph Power, an aspiring serial killer and sexual predator murdered a 20-year-old aspiring model, Cheryl Gardner, who hailed from Gananoque in my riding. Power beat Cheryl to death with a hammer. He also attempted to kill a second woman six days later. Power felt no remorse after confessing to Cheryl's murder. I'm told that Mr. Power will shortly be considered for day parole. He's in Kingston Pen at the moment. I ask if you and your officials plan to intervene to ensure his continued incarceration. Do you plan to do that?

Hon. Mr. Bryant: Again, I say to the member, not only do we engage in 810.2 applications or other recognizance or intervention orders upon the release of somebody into the community where we feel there is a danger, we also have made the case to all provincial and federal justice ministers that we need to be making changes to the Criminal Code so that our most serious offenders are getting the appropriate treatment by our danger-

ous offenders system and that we need to strengthen our recognizance system.

With respect to the specific cases that the member is raising in this Legislature, I remind him of a very recent submission by the dean of the law school at Queen's University. He said "Beyond the issue of prejudicing ongoing proceedings," any "discussion in the Legislature" about specific cases "raises a more overarching concern—the politicization of the criminal process." I won't participate in that.

HOSPITAL FUNDING

Mrs. Elizabeth Witmer (Kitchener-Waterloo): My question is for the Minister of Health. Minister, you are forcing hospitals to balance their budgets by March 31, 2006, and to do so in accordance with your seven-step process. Each step, as you know, increases the negative impact on patient care and safety. Steps 6 and 7 identify program consolidation and reduction in programs as a means to balance hospital budgets.

We now know that you and your Premier have revealed your hidden agenda to extricate and consolidate services from hospitals. In fact, the Premier said on April 15, "We think it makes good sense to consolidate the service in one centre."

Minister, I ask you, will you make public these plans by hospitals to balance their budgets so that the public and the hospitals will know what services and programs and staff you plan to strip from their hospitals?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the opportunity to respond to a question from the party whose hidden agenda became rather public yesterday. You are but a branch plant for the national Conservative viewpoint, well expressed by your former Premier and devotee, Mike Harris. He came clean yesterday in the hidden agenda of all hidden agendas: Wipe out the Canada Health Act and all the protections associated with it that Canadians have enjoyed and move forward in a John Tory-inspired privatization along the lines of his commitment to make all health care services function just like Highway 407, because that has proven so good for consumers.

Why doesn't the honourable member stand in her place and tell us how that is going to be accommodated, alongside her party's very firm commitment to cut health care by \$2.4 billion?

Mrs. Witmer: Out of respect for the people in the province of Ontario, who are actually looking for an answer to this question, I say to the minister that yesterday our leader introduced an opposition day motion that stated "that no nurses will be fired as a result of budgetary constraints for the remaining term of office of the McGuinty Liberal government." However, nurses and others were shocked to learn yesterday that the McGuinty Liberal government voted against this motion.

We now know that your balanced budget plans have contributed to service cuts and that you have approved the layoffs of 757 nurses. I say to you now, will you

guarantee that hospitals will not be forced to lay off any more nurses?

Hon. Mr. Smitherman: It's interesting that a question about nursing would come from the longest-serving health minister in the previous government, which has on its record, as a strong point in its health care legacy, the \$557-million reduction in hospital funding over two fiscal years and the elimination of—get this—8,000 nursing positions, to the point where the inspired leader of the Conservative voice in Canada, Mike Harris, back in the high life again as evidenced yesterday, had the audacity to compare nurses in the province of Ontario to Hula Hoops. That is your legacy.

Ours is clear: 3,000 new nursing jobs in fiscal 2004-05; rebuilding the foundations of nursing; more resources for safe procedures in hospitals, like \$60 million to buy ceiling-mounted bed lifts; the first investments in the kind of technology to prevent needle sticks; 1,000 clinical training opportunities for our new graduates; clinical simulation equipment in our nursing schools—

The Speaker (Hon. Alvin Curling): Thank you.

Mrs. Witmer: The people of Ontario and nurses in this province were actually interested in the response to the last question. I say to the minister opposite that what he has done is stated a lot of fiction, as he well knows, and I know he's very uncomfortable about this. He knows that we did hire 12,000 nurses. He also knows that we have been recognized by the RNAO in the province of Ontario for the work we did to expand nursing services.

Interjections.

The Speaker: Order. I'm going to give you a chance to ask your question properly. I ask the government House leader and the member from Don Valley East to come to order.

Mrs. Witmer: If the minister doesn't care about nurses and if he doesn't care about the staff at hospitals, I ask him this: Your Premier, while he was Leader of the Opposition, stated during the debate on the provision of cardiac care for children that "the best thing is to provide continuing quality care closer to home."

Now, you said in a scrum last week, "If you want to have an obstetrics program just around the corner, but it is not necessarily sensible to have an obstetrics program if a hospital only has a volume of ... 50 or 60 births a year...." Your comments in that scrum sound like the people of Georgetown—

1410

The Speaker: Thank you. Minister?

Hon. Mr. Smitherman: Our commitment to nurses is clear. We've hired more of them over the course of the last fiscal year. Tomorrow, the Premier will be making an announcement about family health teams. And what does that do? It brings our nurses and nurse practitioners alongside our doctors and other health professionals to expand coverage for people in the province of Ontario.

With respect to obstetrics, I did go to Wallaceburg, 20 kilometres or so north of Chatham, where they had an obstetrics program that was having 60 or 70 births a year.

This is not a satisfactory circumstance from a clinical outcome for baby or mom alike. I said to that community that while I recognize that the program has been there for a long time, when more people were having babies in the local community, it cannot safely be sustained, and I supported its move to Chatham. But in the case of Georgetown, where the number of births was many, many times multiple of that, I supported that program. As the member from Halton can tell his colleague, it continues to be a program that is gaining life even as we speak today, and providing tremendous service too.

PUBLIC SECTOR RESTRUCTURING

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier. In the last election, you promised ordinary Ontario families you would rebuild our public services. Here is your record so far: 757 nurses fired, not hired; cuts to physiotherapy, optometry, chiropractic. And now we learn you're laying off 3,700 public service workers. That's one in 10 public service workers, whom we rely upon to deliver good-quality public services in the province.

Acting Premier, how do you square laying off 3,700 more public service workers with your promise to rebuild Ontario's public services?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I'm going to refer that to the Chair of the Management Board of Cabinet.

Hon. Gerry Phillips (Chair of the Management Board of Cabinet): I think the leader of the third party should—perhaps he doesn't realize this—kind of deal with the facts.

Firstly, in terms of the numbers, we actually have been rebuilding the public service. We now have about 1,400 more people working for the Ontario public service than when we took office. We brought in 450 people who were outside consultants, brought them back into the public service. We saved \$20 million doing that. We've added 200 health and safety workers. We've added 100 meat inspectors. So we are rebuilding the public service.

The numbers he talks about simply are possible plans that might happen. Two thirds of that, already announced, are basically psychiatric hospitals. The employees will stay the same. We are transferring them to community-based organizations, as I think the third party would agree is a good idea. So I would just hope he might deal here with the facts.

Mr. Hampton: Well, one of the facts is that 120 of these cuts will happen at the Family Responsibility Office. You should know that the Family Responsibility Office already cannot keep its commitments to children and women who need those financial support payments in order to pay the rent, put food on the table and have clothing on their backs. Since 1995, the number of case-workers at the FRO is down by 20%; the number of cases is up by almost 50%. And now you're going to lay off another 120 staff.

Can you tell us, Acting Premier—most importantly, can you tell those women and children—how does laying off another 120 staff at the Family Responsibility Office help those women and children who need those support payments?

Hon. Mr. Phillips: You don't help by misstating the facts. These people are not being laid off. I again say to the third party, two thirds of these people who are in our plans are people who will be transferred to another employer—psychiatric hospitals. In the particular case that you raise, that would happen only after the Family Responsibility Office has solved the challenges that are there, and it might happen.

So I would say to all of our public servants, these aren't layoffs. These are possible plans laid out for the last year for our unions. Two thirds of these are transferring employees to another employer, and in the case of the Family Responsibility Office, until the Family Responsibility Office has solved its problems, nothing is going to happen there.

I would urge the leader of the third party: Calm down—we are going to work with our public service to make sure we rebuild the public service—and do not rely on these scare tactics he's using here in the Legislature.

Mr. Hampton: The now Chair of Management Board wants people across Ontario to believe that the McGuinty government sends out layoff notices for the fun of it. Let's be clear about the facts. You're the person who a year and a half ago, in June, said there was a possibility of a \$5-billion deficit. Then, when you're hit with a \$5-billion deficit, you say, "I didn't hear about it. I didn't know about it."

If there's anybody who is a stranger to the facts around here, Minister, you are. This concerns some of the most vulnerable children and women in this province. The Provincial Auditor has said over and over again that they are not well served by the Family Responsibility Office. The Provincial Auditor has said that this office needs more staff, better trained staff, more experienced staff, and what do we see? One hundred and twenty staff there are getting layoff notices. So tell those women and children who already wait, in some cases seven months for action on their child support payment files, how laying off another 120 staff is going to—

The Speaker (Hon. Alvin Curling): Thank you. Minister.

Hon. Mr. Phillips: Again I say to the public: There are no layoff notices. No layoff notices have occurred. He's making it all up. There are no layoff notices. These are simply plans required, I might say, by law. By law we are required to disclose possible plans for the next two years. There are no layoff notices.

In terms of what he is talking about—the people I think he is talking about—that there are 120 of them, 40 of them have not even been hired yet. So I would say to the leader of the third party, do not use the term "layoff notices." There is no such thing. These are plans over the next two years that may or may not happen. Two-thirds of them are simply transferring these employees to

another employer, and the other third, as I say, may or may not happen. I would also add that in those same plans, there are another 1,400 people that we're adding, which offsets the number you're talking about in any event.

The Speaker: New question.

Mr. Hampton: To the Acting Premier again: Let me say that I don't think women and children who are already waiting seven months too long for child support payments get any sort of confidence from this minister.

I want to ask about the 72 layoffs at St. Joseph's health centre in London. Your underfunding of our hospitals is forcing St. Joseph's to cut \$8 million from mental health services and to lay off staff in mental health services to cover the underfunding. This will mean more service cuts for vulnerable people who need help, and it will mean more trouble for other social service agencies. Can you tell us, please: You said you were going to improve public services. How does laying off another 72 people in mental health services help rebuild our public services?

Hon. Mr. Duncan: I'll refer that to the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): If the member were interested at all in the facts, he would know that the circumstances in London are such: Many years ago, the province of Ontario divested operation of the psychiatric facility in that area to St. Joseph's Health Care. As part of that, there has been a long-standing plan, which is now being acted out, to push more of those services down to the community level. This is consistent, I believe, with what have been the values, as previously expressed, of the third party. This is entirely consistent with that, and very reflective of the commitment of a government that made the first increase in 12 long years to community-based mental health, \$65 million, a legacy, sir, that I could remind you began on your watch when you began your deprivation situation for health care in Ontario.

Mr. Hampton: I find it interesting that the Minister of Health says that laying off 72 workers who work in mental health is going to improve services.

I want to ask next about Royal Botanical Gardens in Hamilton. During the Hamilton East by-election, the McGuinty government promised to help the gardens work through some financial difficulties. In fact, they promised money to help address that. On April 1, the McGuinty government announced \$3.8 million in new funding, but guess what's tied to it? What's tied is a requirement that 23 of the 44 staff be laid off and, through contracting out, a whole lot of other services be taken away from the staff who work there. Can you tell us, please, how does laying off 23 of 44 staff there help to rebuild public services in Ontario?

1420

Hon. Mr. Smitherman: I refer this question to the Minister of Culture concerning your allegation about 23 layoffs at Royal Botanical Gardens.

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I just wanted to say to the House that there is a negotiation going on presently at Royal Botanical Gardens. As the person who asked the question knows, it would be improper for me to answer if there are any layoffs or not.

Mr. Hampton: During the Hamilton East by-election, the McGuinty government had no problem making this announcement. The McGuinty government had no problem saying that there will be help there for Royal Botanical Gardens. But now, when we find that the financial help carries with it the firing of 23 of 44 staff and the contracting out of a whole bunch of services, suddenly the McGuinty government doesn't want to answer. Tell us, please. This is your promise. This is what you were so happy to promise during the Hamilton East by-election. What happened to your promise? How does laying off 23 of the 44 dedicated staff there equal rebuilding Ontario's public services?

Hon. Mrs. Meilleur: Royal Botanical Gardens is a very important institution in Hamilton and in Ontario. We are working very closely with the board of directors and with the city of Hamilton and the regional municipality of Halton to make sure that Royal Botanical Gardens is with us for a long time. There has been a consultation with the community, so we know very well what the community and the municipality want. The board is reviewing the recommendation, and they will come up with a decision on the recommendation.

We have not been sitting here. I requested a review of Royal Botanical Gardens. I was not standing there looking at Royal Botanical Gardens' deficit year after year, like the previous government did.

CORMORANT POPULATION

Mr. Robert W. Runciman (Leeds-Grenville): My question is to the Minister of Natural Resources. As you're aware, in the last decade, the population of double-crested cormorants has grown out of control in the Great Lakes basin. Recent estimates show the population is doubling every five years and, in many areas, including my riding of Leeds-Grenville, cormorants have caused severe environmental damage, compromising important ecological, recreational and heritage values. The previous government initiated a cormorant control strategy, and I'm pleased to see you continuing with the program and that you proceeded with a cormorant cull in Presqu'ile Provincial Park. Minister, can you confirm today that you will follow through with a further cull of cormorants at Presqu'ile this year?

Hon. David Ramsay (Minister of Natural Resources): Just to set the record straight, I hope the member didn't imply that the previous government initiated a cull, because, quite frankly, they didn't have the guts to do it. It was my decision last year to have the first cormorant cull in the province of Ontario, because I thought it was the right thing and it's what the scientists had recommended. As the member knows, part of the requirement by the

Minister of the Environment was to have a scientific review of the success of last year's cull. I have posted that on the EBR, and we're receiving comments on that. In the next few weeks I will be making a decision on the further cormorant control program.

Mr. Runciman: There's no question that the minister is a gutsy guy, and we all acknowledge that; I want to thank the minister for his commitment. However, this may not be enough in terms of recent scientific evidence we've had from your ministry and from New York state, which suggests that cormorants are having substantial negative impacts on our Great Lakes and St. Lawrence River fisheries. Cormorants also appear to be expanding their populations and expanding colonies on inland water systems such as the Kawartha Lakes, Lake Nipissing and Algonquin Park. In fact, cormorants have been spotted on smaller lakes in my riding, including Wolfe Lake and the Rideau system.

Minister, the science is there; the time for action has come. Will you commit to expanding your committee's recommendations to other areas of the province and proceed to cull the overpopulation of these nuisance birds before they do irreversible damage to our fisheries and our natural environment?

Hon. Mr. Ramsay: I appreciate the opportunity to address this situation, because the member basically restricts his question to the idea of a cull. That is only one control technique we have. It is obviously the most extreme, and I did employ it last year.

As you know, I have continued the cormorant control program. Egg oiling seems to be one of the best techniques, so that you suppress the population. We are continuing to expand that. Taking away nests and culls are also proposed. I would say to the member that I will be signing off on these decisions in a timely fashion so that whatever decision is taken, there will be enough time to carry out whatever programs are required.

AUTISM TREATMENT

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Children and Youth Services. Madam Minister, I'd like to reintroduce you to Michelle Quance, a woman you should know very well by now. This morning, she and her mom stood outside this building to again draw attention to your failure to provide four-and-a-half-year-old Tennyson with the IBI therapy she needs.

I have repeatedly attempted to ask for your help in determining a simple issue: where Tennyson is on your IBI wait list and, more importantly, how long that wait will be. On March 29, your senior staffer and MPP liaison person came to my office and promised to provide me with that answer by the end of that day. We are still waiting. Not one answer has been forthcoming.

Minister, today I have several questions and we need some answers. The questions are: How long is the Quance family going to have to wait for IBI for their daughter? How many more months does this family have to go

deeper and deeper in debt? Do they have to sell their home? Does the community have to raise even more money?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I thank the honourable member for the question, and I welcome the family back to the House and understand their frustrations. I will endeavour to get that information for you.

I will tell the family that we are making progress provincially. There are 25% more children under the age of six accessing IBI treatment. I know that isn't comfort to your child, who isn't yet accessing it, but we are doing the best we can. We inherited a long, long waiting list. We have cut down the waiting list for assessment by 72%. We do have a plan for children right through to the age of 18.

I understand your frustration. Again, I will endeavour to get that information for the honourable member to pass on to you.

Mr. Prue: Madam Minister, I thank you again, except that it has now been six months. First of all, your senior staff wouldn't tell me, then there were no answers forthcoming from this House and then there were no answers from your staff. We cannot hide behind a whole sea of statistics; we can't hide behind a sea of promises to help. We need to know, and this family needs to know, exactly what your plan is. They need to know the reality of the situation, and they need to know it now.

When are Tennyson and all the other autistic children who have been assessed by your ministry going to get off your stagnant waiting list and get the IBI treatment they so desperately need? Tell them the time frames, tell them the dates, and do it.

Hon. Mrs. Bountrogianni: This is actually a very timely question, in that the implications of the recent ruling—the ruling that we are appealing—are still being discussed. For example, if children over the age of six remain as clients of IBI, that will unfortunately affect the waiting lists for children under the age of six. We are still going through the implications of the ruling and what we are going to do about that. That has also added some more complexity to giving parents answers for their children on waiting lists. I will endeavour to do my best to get the information for the family, given this added complexity as well.

1430

HEALTH CARE

Ms. Kathleen O. Wynne (Don Valley West): My question is for the Minister of Health. I know how hard the government and you are working to restore Ontario's health care system so that it's second to none and sustainable, and that is why I was concerned this morning when I read an article regarding Sunnybrook and Women's emergency room. It stated that the hospital had not yet received any word from the ministry regarding capital

funding for the much-needed renovation and expansion. You know that Sunnybrook and Women's emergency provides my constituents with needed services, and they need to know that the hospital will be there for them. Can you update my constituents on the status of Sunnybrook and Women's emergency room?

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the hard-working member for Don Valley West. She has made herself a very forceful advocate indeed, in particular perhaps for this hospital. I was surprised like she was, because I know that on March 24 I did send a letter to Virginia McLaughlin, chair of the board at Sunnybrook and Women's, flowing \$9.4 million as the beginning point of our government's commitment, and I will just read one line: "an unconditional grant in the amount of \$9,400,000 as a contribution from the Ministry of Health and Long-Term Care towards the cost of your emergency department capital project."

I will say that there are other capital needs at Sunnybrook. We are waiting for a report that will influence the development at Sunnybrook, but we've worked hard to send a message to the leadership there that we recognize that this is a long-overdue project. The circumstances that we're grappling with include the fact that the previous government left behind \$6 billion worth of commitments, but we are building public services to take pressure off these ERs, including family health teams, which we'll have more opportunity to talk about tomorrow.

Ms. Wynne: My constituents have come to rely on Sunnybrook and Women's emergency room, as you know, but health care doesn't just mean hospitals; we need doctors, nurses and health care professionals. Can you update us on the government's plan for family health teams?

Hon. Mr. Smitherman: Obviously, our government's agenda has been to try and drive resources to the community. Over the course of our last fiscal year, we made more than \$600 million worth of investments. I'm honoured that tomorrow we will have the opportunity to move forward with one of the most significant initiatives we've been working on since we came into office, and that is the development of family health teams. It's well known to all members of this House because the interest in these has come from all ridings in the province. We'll be moving forward with more than the first 45 that we'd committed tomorrow, and the 150 that we've committed will be easily fulfilled. We've already had 213 applications from communities that were interested in moving forward. The beauty in this idea is that doctors working in sole practice have limitations in terms of the number of patients they see. Doctors working in team practices with others helpers, like nurses, nurse practitioners and other health care professionals, benefit the patients by being able to see fully 52% more patients, and tomorrow we will be able to launch the projects all across Ontario in a versatility of settings.

TEACHERS' COLLECTIVE BARGAINING

Mr. Frank Klees (Oak Ridges): My question is to the Chair of Management Board. This morning your colleague the Minister of Education made a rather significant spending announcement. The question I have for you, sir, is whether you, as Chair of Management Board, signed off on the cost of that announcement, and if so, what was the full cost of the announcement made this morning by your Minister of Education?

Hon. Gerry Phillips (Chair of the Management Board of Cabinet): I'll take the first question and then maybe the supplementary will go to my colleague.

Let me say that he certainly sought full approval from cabinet for what he did, and I might add that cabinet is very proud of the work the minister did. I think the public who care about peace and stability in our public schools will recognize that the minister has done a fantastic job here. I would say, on behalf of the cabinet and my colleagues in caucus, that we're fully aware of the route that the minister was taking and very, very pleased that he has been able to achieve this. I guess it's called a tentative agreement with the teachers. So, yes, he is proceeding with approval, and we are very proud of the accomplishment of the minister.

Mr. Klees: I can't believe that the Chair of Management Board has given a blank cheque to the Minister of Education. That's what it was.

Not only has the Minister of Education today announced the end of local bargaining and taken over bargaining in education but, as Chair of Management Board, you should know that his framework just on the salaries alone is going to cost \$2.68 billion. In addition to that—and the Minister of Education is laughing, which shows he doesn't know, because when he was asked in a press conference this morning what the cost of this announcement is, he was not able to give an answer.

The Speaker (Hon. Alvin Curling): Question.

Mr. Klees: To the Chair of the Management Board: Is it responsible that your Minister of Education would make an announcement this morning for which there has in fact not been a sign-off from Management Board? Is that responsible?

Hon. Mr. Phillips: I did not say that he offered a blank cheque. He actually came to Management Board and cabinet and got approval for what he's done.

But I would also say, surely we believe in collective bargaining. We believe in collective bargaining, and where we have reached a tentative agreement with one of our groups, we do not make that public before our groups have become aware of the details. We are proceeding in a way that all collective bargaining does. I think the public should be aware. The minister operated completely within the mandate that he sought and got from cabinet. Secondly, we are following the normal process in collective bargaining. You simply do not reveal the details of this until the parties have had an opportunity to review them themselves.

Again I repeat for the public: We're very proud of the work that our Minister of Education has done to bring peace and stability to our public education system.

AUTISM TREATMENT

Ms. Shelley Martel (Nickel Belt): I have a question to the Minister of Children and Youth Services. We understand that as a result of Justice Kitley's decision, the government has told IBI service providers not to discharge children turning six from the IEP program until further notice. What concrete steps are you now taking to increase IBI services, both in the IEP program and by offering IBI in the school system to ensure that autistic children over six and those who are under six waiting for IBI services will have their needs met?

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'd like to thank the honourable member for the question. That's the reality of the ruling, that we are studying the implications. We have told IBI providers not to stop providing therapy for the children over the age of six. That was the judge's ruling. As you know, we have appealed it through the Attorney General's office for various reasons.

I will say that it has added more complexity to the under-age-six program. We put \$10 million in the program. We hired nearly 100 new therapists. We reduced the waiting list for assessment by 72%. Twenty-five per cent more kids under the age of six are accessing IBI treatment. The program was eventually getting better and better. We didn't solve it overnight; we can't solve it overnight. But this ruling has added more complexity to the under-age-six program. It's just logic.

I will allow the Minister of Education to answer the second part of your question, which was the over-six program.

But I am extremely proud of our government. We have more services for autistic children in this province than ever before and more than any other province in the country. But the ruling has added that complexity that the member has raised.

Ms. Martel: Minister, you knew that there would be an increased cost and a need for increased capacity when Dalton McGuinty made the promise that he did. Don't come to the assembly now and pretend that somehow you didn't think of this when you made the promise that you did.

What's clear in Justice Kitley's decision is that your government now has an obligation to respect charter rights unless and until her decision is overturned. That's why you've been forced to tell providers that they can't discharge children from the program just because they turn six. You also have an obligation to provide ongoing IBI to those older children and, at the same time, meet the needs of children like Tennyson who are on the waiting list. This means you have to increase funding and staff to meet the needs of the whole group of children.

The Speaker (Hon. Alvin Curling): Question.

Ms. Martel: There's no rocket science about this, and you certainly knew when you made the promise. I ask you again, Minister, what specific measures is your government taking to increase services through the IEP and through the school system, like Justice Kiteley recommended, to ensure—

The Speaker: Thank you.

Hon. Mrs. Bountrogianni: To the Minister of Education.

1440

Hon. Gerard Kennedy (Minister of Education): The member opposite used the word "pretend" in the assembly. There is a lot of pretending on her part in this assembly. She pretends not to know this government has put significantly more resources for kids with autism. She pretends not to know because it's not to her political advantage to acknowledge that. She pretends not to acknowledge that we have put 65% more dollars toward kids with autism in schools and other kids with special needs. She pretends—

Interjection

The Speaker: Order. Give the minister an opportunity to respond, please, member for Nickel Belt. Minister.

Hon. Mr. Kennedy: We operate under a certain requirement for integrity in this House. It means not to misrepresent things that affect real people's lives, and that is what is happening with this question. Instead of falsehoods, the member opposite should be talking—

Interjection.

The Speaker: Order. Member for Nickel Belt, come to order, please.

New question.

TEACHERS' COLLECTIVE BARGAINING

Mr. Ernie Parsons (Prince Edward-Hastings): My question is to the Minister of Education on the announcement made today regarding the unique accord that our government has reached with the Elementary Teachers' Federation of Ontario.

From the moment it took office, our government said that a new relationship needed to be forged with teachers in this province. When you began the dialogue with the teachers' federations and the school boards in this province, it marked a recognition that we move ahead only by working together. I'm very proud we're taking a new and mature approach to working with Ontario's teachers. I know that parents in my riding—in fact, in all ridings—are very curious as to what our announcement includes.

Minister, what is included in today's announcement that will guarantee quality education for our students and the resources that our teachers need to do their job?

Hon. Gerard Kennedy (Minister of Education): I thank the member for the question.

It is important to note that this is a change and a departure from a time when the previous government took away programs from young children. It's easy to do, I guess, to deduct. Music programs are going to be coming back because we are financing specialist teachers. Just

for the public elementary system alone, 1,300 teachers will be there for literacy and numeracy, to make sure that kids get a chance at the right age. Further, we'll be able to provide for everyday physical education, because we'll be able to bring back phys. ed. teachers taken away by a thoughtless previous government.

Part of what everybody in this Legislature should agree on is the minimum that our kids deserve, which is a multifaceted education, one that accesses all of their potential. This does that, and at the same time, it creates the best environment possible for people whom we respect: the teachers who spend the day with our children and get education done.

Mr. Parsons: Minister, I'm very proud of how quickly the McGuinty government and yourself are overcoming the damage that the previous government did over eight years to the schoolchildren in our province. Today we have demonstrated that a unified approach with our teachers and school boards is a prerequisite to success in education. I have no doubt that all participants are committed to quality education in this province.

With the good news that the work-to-rule campaigns will end next Monday, April 18, how will this understanding pave the way for agreements between school boards and local federations in the future?

Hon. Mr. Kennedy: It is something that hasn't been done before. For the first time, we have a provincial dialogue. A successful conclusion means there is a framework that will then be applied by local organizations, because we've learned, sadly, at the expense of some of our students in the past, one size does not fit all. We have a robust, different kind of education that can fit small and rural, northern and urban areas and so on. It's important that it be done at the local level. Those agreements will be bargained. We will have, for the first time in this province, four-year agreements, and sustained peace and stability for all students.

We have done this in a way that allows the same dollars to be put into programs to create peace and stability. The fundamental cost of this is something that would have been available to every previous government: respect. We've provided that to our students, to our teachers, and it is now starting to get embedded in our education system, to the benefit of everyone who is part of it.

REGULATION OF PARALEGALS

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): My question is for the Attorney General. The National Post has reported that a paralegal who defrauded a wheelchair-bound cancer survivor of \$40,000 received a two-year conditional sentence. This client has been duped out of thousands of dollars because of your failure to take responsible action and regulate paralegals. My question to the Attorney General: How many more consumers will be duped out of thousands of dollars before you keep your word to regulate paralegals?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for his question, and I take it from his question that he and his party support the regulation of paralegals. I think that's very good news because this is a profession, and he is quite right, that is completely unregulated. I think the time has come, and I have made the case to the Law Society of Upper Canada, that this profession be regulated by the law society. The law society has agreed to it. They struck a working group. We certainly hope to come forward to the member if in fact a proposal will be able to be brought to this House and get his support for that. It's good news that the member supports the regulation of paralegals.

Mr. Tascona: Another media report has a paralegal facing charges for fraud for stealing a client's motor vehicle insurance settlement monies and then shutting down shop. Unlike lawyers, paralegals are not required to carry liability insurance and do not have to pay into a compensation fund to reimburse clients of fraud artists in their industry. This client has not recovered her motor vehicle insurance settlement monies. You've made a public commitment to the regulation of paralegals by the law society. My question to the Attorney General: Will you commit today to introduce legislation immediately for strict regulation and enforcement of paralegals, with the start-up costs paid by the Ontario government?

Hon. Mr. Bryant: I think my view on this is well known. I have certainly made it known to the Law Society of Upper Canada. I want to congratulate the law society for their leadership in agreeing that the time has come for regulation and that they will take it on. But I want to remind the member that they were in government for eight years and they never even talked about regulating paralegals. They had a couple of studies and a couple of speeches, but they did nothing. I can assure the member that we won't be doing that. I will look forward to getting his support on whatever legislation, if at all, will be introduced in this Legislature on this, because I agree with him: The time has come to regulate paralegals.

AMBULANCE SERVICES

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier, in the absence of the Premier. Before the election, Dalton McGuinty asked the former government this question: "Why do you insist on going ahead and transferring a broken-down ambulance system to our municipal partners, who are saying 'We can't handle it; we can't cope with it.'?" That was his position before the election. Recently, the chair of the Rainy River District Social Services Administration Board, which runs the land ambulance in my part of the province, wrote to the Premier and said, "I have been asked to express the board's frustration with the failure of the province to pay their share of land ambulance service

costs. The board formally requests that the service be transferred back to the province."

Since you are not paying your fair share of land ambulance costs, will you do now what the Premier said was a good idea before the election and take land ambulance service back? Because municipalities don't have the money to do it.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I will ask the Minister of Health to set the record straight.

Hon. George Smitherman (Minister of Health and Long-Term Care): I appreciate the question from the honourable member. I acknowledge that in our relationship with municipalities and those districts that are providing services, including land ambulance, this does stand out as what I would characterize as the most significant irritant. We have made significant progress on our relationship from a health standpoint overall, particularly with our \$190-million investment in uptake of costs related to public health. That has been our priority from a fiscal circumstance. Unlike the honourable member, we are operating in an environment where we recognize there are fiscal limitations.

I would say to the honourable member that I expect this is an issue where the House will see evidence of progress. We are working on it diligently on a day-to-day basis, and I would be happy if the honourable member would assist us by sending that message along to the community from his constituency.

1450

Mr. Hampton: This is a message from rural communities, social assistance boards and social service boards across the north. Under the land ambulance formula, the province was supposed to pay 50% and municipalities were supposed to pay 50%. But the province is now only paying 30%, which means municipalities have to pick up the lion's share of a very expensive service. In the district of Rainy River, they see another \$1.5 million being added to their plate. So I say, if this was good enough for Dalton McGuinty before the election, if this was the opinion he expressed before the election, why are you now changing your position? Why isn't the province taking back land ambulance, as Dalton McGuinty said before the election?

Hon. Mr. Smitherman: The honourable member doesn't want to accept the first answer, but I think if he goes back and reads it, he'll see an acknowledgment on the part of the government that this is an issue where we've got more progress to make. I told him that in a lengthy answer the first time, and I won't burden the House with a lengthy answer the second time. Suffice it to say that in the relationships that we have, I've been working very closely with my colleague the Minister of Municipal Affairs and with municipalities and boards to make the progress on this issue that everybody would like to see.

SKILLS TRAINING

Mr. Tony Ruprecht (Davenport): I have a question for the Minister of Training, Colleges and Universities. The most recent report from Ontario's Task Force on Competitiveness, Productivity and Economic Progress called on governments to integrate immigrants more effectively. Another report by the Institute for Research on Public Policy told us that inadequate utilization of immigrant skills is a \$2.4-billion problem.

All three levels of government need to do a better job of planning, coordinating and funding the support that will allow immigrants to prosper in our province. The consequences of failure are grim, and they are already apparent. In 1981, 45% of the poor families in high-poverty Toronto neighbourhoods were immigrants. Twenty years later, immigrant families comprised 65% of the poor families in these neighbourhoods. Minister, what is our government doing to ensure that Ontario's skilled immigrants receive the best service and the best training available?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I want to thank my colleague, the member from Davenport, for his ongoing commitment to this issue.

Yesterday, I had the opportunity to present to the federal government's standing committee on citizenship and immigration. I urged them to work with our province to integrate internationally trained professionals and skilled tradespeople more effectively into our economy, not just once they have arrived here but before they even leave their home countries. I asked them to consider providing prospective immigrants with information on labour market forces as well as processes for certification and licensure in various occupations.

There's no question that we need work on an immigration agreement. My colleague Minister Bountrogianni has been working with the federal government in this regard. Ontario receives 57% of new immigrants and—

The Speaker (Hon. Alvin Curling): Thank you.

Mr. Ruprecht: That is really great news, and I'm delighted you gave us that answer, Minister, but our skilled immigrants are not the only Ontarians who could benefit from better coordination of training and employment programs between the federal and provincial governments. Constituents of mine who seek employment training face a system of confusion, duplication and gaps as they try to navigate through a range of programs, some federal, some provincial and some municipal.

I know that Ontario is the only province without a labour market development agreement. I also know that this agreement would be of great benefit to my constituents when they are in need of skills training. Minister, what would a labour market agreement offer Ontarians and what is our government doing to stick up for Ontarians who are seeking a seamless system of labour market training?

Hon. Mrs. Chambers: Thanks for the supplementary. As in the case of the immigration agreement, where

Ontario is the only province without an agreement, we are also the only province without a labour market development agreement.

This is about improved client service. It's also about recognizing the fact that we have two training systems now that even together do not address all the needs for training and employment for the people of Ontario. We are asking the federal government to assist us in providing better services. We know, for example, that some 70% of people who need these services do not even qualify for employment insurance. We need the federal government simply to treat Ontario the way it treats the other provinces.

TRUCKING INDUSTRY

Mr. Jim Wilson (Simcoe-Grey): My question is for the Minister of Transportation. On Tuesday, I met with the Kingston Centennial Transportation Club, where I talked to a number of people directly involved with Ontario's trucking industry. They're very concerned with the growing shortage of truck drivers in our province.

As you should know, nearly 90% of all consumer products are shipped by truck somewhere in the distribution chain, creating a \$48-billion trucking industry in Canada. The demand for qualified drivers is increasing significantly. This year alone, we'll see a shortage of about 37,000 truckers, and by 2008, they say that we'll have a need for roughly 224,000 truck drivers.

Minister, are you aware of this growing problem; and what are you doing about it?

Hon. Harinder S. Takhar (Minister of Transportation): Let me first thank the member for asking this question. Actually, I had a meeting this morning with the Ontario Trucking Association for an hour and a half, and we did discuss this issue. We are working very closely with the industry to address some of these issues and also the other issues that are facing the trucking industry.

Some of these issues require a long-term training impact and also working with the stakeholders and educating the workforce. We're going to work very closely with the Ontario Trucking Association and also with the independent truckers so that some of these issues that the member is raising get addressed.

Mr. Wilson: I'm glad to hear that, Minister, and I would encourage you to work with the Minister of Training, Colleges and Universities to develop an apprenticeship program. Truckers very much feel underappreciated in this province. You know there's a saying, "If you buy it, a truck brought it." They're extremely important to the economic lifeline in our province.

Will you commit today also, Minister—there's a back-up of at least two months at the Barrie examination centre of your ministry for truck drivers to get their driver tests. Would you look into that right away and correct that? There don't seem to be enough examiners on the commercial side, and truckers—young people in particular who want to become truckers and fill this gap, fill this urgent need out there—are having to wait a long

time for their examination. Will you look into that and get back to this House?

Hon. Mr. Takhar: Let me assure the member that I already have been working with my colleague from the Ministry of Training, Colleges and Universities. We are working on the apprenticeship program. That will address some of the needs of the trucking industry. But we need to make sure that we also make the working conditions better for our truckers. So we have set up the working group, along with the other truckers, so that some of the issues that are facing the trucking industry get addressed, including the working hours and so on. We are working very closely with the ministry and the trucking industry.

PETITIONS

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

1500

ANTI-SCALDING DEVICE

Mr. Jeff Leal (Peterborough): I have a petition from the residents of Peterborough riding.

"To the Legislative Assembly of Ontario:

"Whereas the Ontario government has made changes to the building code which requires a master thermal

mixing valve (anti-scald device) to be installed upon replacement or installation of a water heater;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the installation of the thermal mixing valve (anti-scalding device) should be at the discretion of the property owner and not mandated by the Ontario building code."

I'm in agreement with this, and I'll affix my name to the petition.

ANTI-SMOKING LEGISLATION

Mr. Jim Wilson (Simcoe-Grey): I have a petition to the Legislative Assembly of Ontario.

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities as well; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the" Legislative Assembly "exempt Legion halls, navy clubs and other non-profit ... or veterans' clubs from government smoke-free legislation."

This, I would note, is a very timely petition, given that we just had second reading of the Smoke-Free Ontario Act today. I have signed the petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Shelley Martel (Nickel Belt): I have a petition that I have been asked to read, and so I will. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many

more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I have affixed my signature to this.

SHARIA LAW

Mrs. Liz Sandals (Guelph-Wellington): I have a petition to the Parliament of Ontario from my constituents in Guelph-Wellington.

"Whereas it is proposed that the Ontario Arbitration Act include Sharia law to resolve disputes involving Muslim families;

"We, the undersigned, petition the Parliament of Ontario as follows:

"Sharia law should be restricted to religious issues only, and established Ontario laws should pertain to all secular issues."

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): I have another group of petitions from the Huronia Regional Centre.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

GO TRANSIT TUNNEL

Mr. Tony Ruprecht (Davenport): I have a petition addressed to the Parliament of Ontario, the minister of infrastructure services and the Minister of Transportation. It reads as follows:

"Whereas GO Transit is presently planning to tunnel ... just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing; and

"Whereas the TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge; and

"Whereas this bridge," which is also classified as an underpass, "will be: (1) too narrow for the planned TTC right-of-way, since it will have only one lane of traffic; (2) it is not safe for pedestrians.... It's dark and slopes on both the east and west sides creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

Since I agree with this petition 100%, I'm delighted to sign it.

CHIROPRACTIC SERVICES

Mr. Gerry Martiniuk (Cambridge): I have over 1,000 good citizens of Cambridge bringing this petition to the Legislative Assembly of Ontario.

"Re: Support for chiropractic services in Ontario health insurance plan:

"Whereas,

"Elimination of OHIP coverage will mean that many of the 1.2 million patients who use chiropractic will no longer be able to access the health care they need;

"Those with reduced ability to pay—including seniors, low-income families and the working poor—will be forced to seek care in already overburdened family physician offices and emergency departments;

"Elimination of OHIP coverage is expected to save \$93 million in expenditures on chiropractic treatment at a cost to government of over \$200 million in other health care costs; and

"There was no consultation with the public on the decision to delist chiropractic services;

"We, the undersigned, petition the Legislative Assembly of Ontario to reverse the decision announced in the May 18, 2004, provincial budget and maintain OHIP coverage for chiropractic services, in the best interests of

the public, patients, the health care system, government and the province.”

I agree with this petition and will be signing at the top.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I’m pleased to read a petition on behalf of my seatmate, the member for Niagara Falls. It’s from the Niagara Anaphylaxis Support and Knowledge group. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

“Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

“Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

“Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

“Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

“Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I fully support this petition. I’m pleased to sign it, and to ask Nicole to carry it for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close the Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing the Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities;

“Whereas Ontario could use the professional staff and facilities of the Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m pleased to sign my name to that.

1510

Mr. Pat Hoy (Chatham–Kent Essex): I have a petition to the Legislative Assembly of Ontario.

“Whereas Dalton McGuinty and the Liberal government were elected based on their promise to rebuild public services in Ontario; and

“Whereas the Minister of Community and Social Services has announced plans to close Ontario’s three remaining regional centres for people with developmental disabilities, located in Smiths Falls, Orillia and Blenheim, Ontario;

“Whereas the regional centres are home to more than 1,000 disabled adults, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing the regional centres will have a devastating impact on people with developmental disabilities, their families, the developmental services sector and economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of the regional centres to extend specialized services, support and professional training to thousands more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Ontario’s regional centres for people with developmental disabilities open, and to transform them into centres of excellence to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

This is signed by a number of residents from Tilbury, Chatham and Wallaceburg, and I have signed the petition.

BIRTH CERTIFICATES

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by good citizens of Cambridge to the Legislative Assembly of Ontario.

“Birth Certificate Fiasco:

“Whereas since the Liberal government has been in power, one-day service has been eliminated and ordinary birth certificate delivery has grown from two weeks to months; and

“Whereas the Liberal government has initiated a number of new security measures and a computer system regarding requests, increasing the workload tremendously. Subsequently, 152 new contract staff were hired after the delays proved an embarrassment but they were recently laid off; and

“Whereas the government’s incompetence has caused grievous harm to many of the hard-working Ontario families in Ontario;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government come clean and remedy the fiasco in the registrar general’s office and take all

necessary steps, including hiring more staff, to issue birth certificates to the public in a timely manner.”

I agree with this petition and will sign same.

POST-SECONDARY EDUCATION

Mrs. Liz Sandals (Guelph–Wellington): I have a petition to the Legislative Assembly of Ontario from the Canadian Union of Public Employees, Local 1334.

“Whereas rebuilding our post-secondary education system is critical to the future of our communities and our province; and

“Whereas high tuition user fees are resulting in massive student debt; and

“Whereas Ontario ranks second-last among all provinces in terms of total PSE budget received from government grants and has the highest percentage of total post-secondary education revenues from private sources; and

“Whereas working and learning conditions must be healthy and safe, because working conditions are learning conditions; and

“Whereas the deferred maintenance cost at Ontario university campuses is estimated to have already reached the \$2-billion mark;

“We, the undersigned, support the Canadian Union of Public Employees’ call on the provincial government to invest sufficient public funds that will:

“(1) Restore public money cut from operating funds since 1995 and bring Ontario up to the national average for funding post-secondary education;

“(2) Finance the \$1.98 billion needed for deferred maintenance; and

“(3) Provide the funding needed to continue the tuition freeze beyond 2006 and increase grants to working-class families.”

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): Again, it’s on the Huronia Regional Centre in Orillia.

“To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many

more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services and support to Ontarians with developmental needs, no matter where they live.”

I’m pleased to sign my name to that.

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr. Speaker: Pursuant to standing order 55, I wish to rise to give the Legislature the business of the House for next week.

On Monday, April 18, in the afternoon, Bills 155 and 110; in the evening, Bill 60.

On Tuesday, April 19, in the afternoon, Bill 159.

On Wednesday, April 20, in the afternoon, Bill 92; in the evening, Bill 60.

On Thursday, April 21, in the afternoon, Bill 159.

ORDERS OF THE DAY

MANDATORY GUNSHOT REPORTING ACT, 2005

LOI DE 2005 SUR LA DÉCLARATION OBLIGATOIRE DES BLESSURES PAR BALLE

Resuming the debate adjourned on April 11, 2005, on the motion for second reading of Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds / Projet de loi 110, Loi exigeant la divulgation à la police de renseignements en ce qui concerne les personnes traitées pour blessure par balle.

The Speaker (Hon. Alvin Curling): Further debate?

Mrs. Liz Sandals (Guelph–Wellington): I’m delighted to rise and speak in support of Bill 110 today, the mandatory reporting of gunshot wounds act. This bill, if passed, would require hospitals to orally report to police the name of a patient who has been treated for a gunshot wound, if it’s known, and to give the name and location of the facility.

This would be done as soon as is practicable and would not disrupt normal hospital operations. This would actually resolve a source of conflict between police and health care workers, because what has become clear is that given the influence of US TV on the Canadian psyche, even 58% of emergency room physicians are not clear on what the actual law is in Ontario, and whether or not they are required to report. No doubt this is because 45 states in the US already have mandatory gunshot

wound reporting acts, and of course emergency room physicians, like everybody else, see enough American TV that they're not quite clear.

What this bill would do is make it very clear that when a patient comes into an emergency room for treatment suffering from a gunshot wound, there would be a requirement on the hospital to report this to the police.

I think there is often a misimpression, if I may, that patient confidentiality is an absolute right in Ontario, and that's not actually true. There are a number of Ontario acts that already require that something has to be reported. For example, it is mandatory for medical practitioners to report incidents of child abuse to the children's aid society under the Child and Family Services Act. This has become quite common practice. In fact, I would add that a whole host of people are required to do this reporting, including teachers. So it's become quite common in society that when there are incidents of child abuse, these must be reported to the appropriate authority.

Contagious diseases must be reported by medical practitioners to the medical officer of health in the community, pursuant to the Health Protection and Promotion Act. When you look at the penalties in that act, or at least the results in that act, it is possible that under that act the person suffering from a contagious disease could be detained in a medical facility for quite some time against their will. However, we understand that contagious diseases must be controlled, and thus there is this interference, if you may, with what might be regarded as personal rights.

Violent deaths must automatically be reported to a coroner or police officer, pursuant to the Coroners Act.

Unsafe driving related to a medical condition must be reported by medical practitioners to the registrar under the Highway Traffic Act, so that if there's a person with, possibly, deterioration in eyesight, or some other sort of medical condition, the doctor is required to report that under existing law.

When we start to look at gunshots and what can happen as a result of gunshots—obviously, bullet holes—it is currently required under the Highway Traffic Act that tow truck operators, repair shops and the like must report vehicles with bullet holes in them to police. Ironically, while the law currently requires that a car that has a gunshot hole in it must be reported to police, we don't have the same requirement for people with gunshot holes in them. You might say that this just brings the legislation up to date to give people the same sort of status as cars, and I think it's high time we got on with doing that.

1520

What are the actual data on gunshot wound treatment? If you look at the actual instances of treatment of gunshot wounds in Ontario hospitals, in 2002-03, which seems to be the last year for which we have accurate data, there were 196 cases of gunshot wounds treated in Ontario's emergency rooms. Ninety-six of those, or almost 50%, were as a result of assault, 69 were accidental and 31

were self-inflicted. Sometimes one is asked, "Should you just be reporting those that are the result of an assault?" In fact, when you stop to think about it, even gunshot wounds that are accidental or self-inflicted could lead to issues of public safety, and when we get right down to it, this is what this bill is all about: We want to ensure public safety.

For example, imagine that some children are playing get hold of dad's gun and one of those kids is accidentally wounded. It's important that the police know about that, so they can do the appropriate follow-up and ensure that that gun is properly secured. The same may be said in the case of an attempted suicide. You would want to make sure that the gun which has been the cause of the problem is properly secured and put out of the way of any future harm.

In fact, the executive of the Ontario Medical Association's emergency medicine section has said, "Suicidal patients pose a risk to the public. The gun used may pose a continuing safety risk after hospital discharge, should suicidal feelings recur." If I can pick up on that idea, you may want to make sure that when the patient comes home, the gun has been secured and doesn't actually present a temptation to reattempt suicide. The emergency medicine section goes on to say, "One third of firearm-related accidents involve children aged five to 19. An investigation could lessen the threat to children posed by the weapon."

I would like to emphasize that what we're doing here is not just about police investigation of criminal activity; it's about public safety attached to all instances of gunshot wounds. That's why it's important that all gunshot wounds are reported.

What about victims of spousal abuse? One of the issues that has been suggested is that it's possible that victims of spousal abuse may fear that if they have an incident reported, there could be future escalation, because there is obviously some evidence that abusive behaviour escalates over time. I'd like to observe that if the abusive behaviour has already escalated to the point where the abusive partner has attempted murder, has in fact shot the partner, who requires treatment in hospital because of a gunshot wound, it's high time that society intervened and protected that victim from the next logical step: a reattempt of that shooting, which might become a successful murder as opposed to an attempted murder. As a society, I think we have a responsibility at this point to try to intervene.

What do some of the data say? This is American data because, as I mentioned, there are a number of states in which this is already the practice, so these surveys are being done against a background not of perception, but of a practice that is already in place.

There was a population-based survey assessing support for mandatory domestic violence reporting by health care personnel published in *Women and Health*, and it found, in a survey of randomly selected women, that about 75% of women supported a mandatory reporting law. There was another survey conducted by the *Journal*

of the American Medical Association. This one was more specifically on mandatory reporting of domestic violence injuries to the police, and what emergency patients thought—this is the people who are there. Again, the majority of people who were actual victims supported mandatory reporting of gunshot wounds or, more broadly, domestic violence, to the police. So while it has been suggested that this is a problem, it would appear that actual surveys would discount that to some degree.

Another question that has been asked is, “Don’t the police already know about this? If somebody has shot somebody in the neighbourhood, surely police know.” That’s very hard to get at in Ontario, because of course the point is that they don’t know. But if you look again at jurisdictions where reporting is mandatory—for example, Georgia, which is one of the US states requiring physicians, hospital employees or health care facilities to report gunshot wounds to the police—when one matched hospital records to police records, one found that in Georgia, 13% of gunshot wounds seen in Atlanta emergency rooms actually had not been reported to the police. As the OMA section on emergency medicine concluded, “Several cases that were not known to police involved severe injuries or multiple wounds, thus the assumption by some physicians that police somehow ‘already know’ about all serious gun-related incidents does not hold true.”

In conclusion, I would like to reinforce that Bill 110 is actually quite a simple law. It requires that where there is an individual being treated for a gunshot wound, the hospital is responsible for making an oral report to the police—not divulging medical records or private information; simply reporting the name, if known, of the victim and the location of the victim—and then it’s up to the police to follow up in the interests of public safety. I certainly think that this is an advance in the protection of public safety in Ontario. I’m delighted to support this bill.

The Speaker: Questions and comments?

Ms. Shelley Martel (Nickel Belt): Let me make a couple of comments in response. I’ve had an opportunity to read through some of the submissions that were made, and I’d like to quote from Dr. Dan Cass’s submission to the committee. He’s the chief of the department of emergency medicine at St. Michael’s Hospital, and he spoke on behalf of the emergency room physicians in that hospital. He said at the public hearings, with respect to the government’s allegations that this is going to increase public safety:

“Most of the studies and analysis of mandatory gunshot wound reporting have been done in the United States where mandatory reporting of gunshot wounds is law in 48 states. There is no evidence that the introduction of mandatory reporting has resulted in a decrease in the incidence of gunshot wounds in any jurisdiction.”

So in terms of decline in guns, gun use, people being injured because of guns: no decline in that regard whatsoever in those states. It’s almost all of the states in the United States that have mandatory reporting. So I think

it’s kind of hard for the government to try to bill this as a piece of legislation that’s going to somehow increase public security and public safety when this has been the result.

The second thing that needs to be pointed out is that there’s nothing mandatory about this legislation. If there were a mandatory obligation on people and institutions to report, then there would also be, in the statute, the list of penalties and consequences that would be put in place if you failed to report. The bill is silent. The bill says nothing about what the penalties are for failure of someone in the hospital to report. You cannot have a mandatory obligation in the statute if there are no consequences. There are no consequences in this bill, so people in institutions can decide to report or can decide not to report, but nothing in this bill is going to force them to do that.

1530

Mr. Phil McNeely (Ottawa–Orléans): Bill 110, the mandatory reporting of gunshot wounds act, is a very important piece of legislation and certainly has the support of the medical association. I have a letter here from John Rapin, MD, president of the Ontario Medical Association. He says:

“As you know, the OMA and its section on emergency medicine have supported the introduction of legislation in support of the mandatory reporting of gunshot wounds as a public safety matter. We look forward to seeing the legislation move forward in the fall session of the Legislature.” Well, it’s moving forward now.

“In preparation for implementation, I would like to remind you of the importance to the medical community of instituting an appropriate database in order to track gunshot wounds for the purposes of research and development of harm reduction strategies. We will be developing our thoughts about how this might be best structured and operationalized over the course of the summer and hope that your staff will involve us in the planning of this important component of the overall program.

“Thank you for your efforts to date to consult with the medical community. I look forward to further fruitful dialogue over the coming months.”

This is an important initiative. It makes sense. We have many of the states in the US that maybe have a higher occurrence of this type of situation, but certainly governments are moving in this direction. It’s the right thing to do, and it will certainly help the police in their investigations, possibly in preventing additional harm in communities when they’re alerted to this. It’s a very easy reporting system that is being suggested by the legislation, and it will help us to have safer communities. It would help the police and the medical people to look at this. The OMA is behind it, and I just hope this legislation is supported by this House.

Mr. Ted Chudleigh (Halton): This is another Liberal fluff bill, a bill that doesn’t really do very much. As the member pointed out, it’s mandatory but there are no

penalties associated with it. So if you want to not report, that's just kind of your option.

The other thing is that gunshots, of course, are a dangerous purge in our society that seems to be growing in number, but perhaps one of the more common or one of the more dangerous effects are wounds of other types that also should be reported: knife wounds, for instance. And yet when knife wounds were suggested to the minister, the minister responded that legislation such as this would greatly increase the workload of our health care practitioners in the sense that all cutting, slashing or stabbing wounds would have to be reported, including those resulting from meal preparations. Well, you know, I'd have to check the stats on that, but I would be very surprised if there are many people preparing meals who stab themselves in the stomach. If you did find a stab wound that was obviously one that might have resulted from a fight or something, that should also be reported to the police. It's equally dangerous to our society as a gunshot wound, perhaps even more so.

So this bill doesn't go far enough in that it doesn't set penalties. It doesn't go far enough in that it doesn't take into consideration all types of injuries that might be sustained by people in these situations. It doesn't take into consideration knife wounds and it doesn't take into consideration broken beer bottle wounds, which are also dangerous to our society and should be taken into consideration in legislation such as this if this bill is to have any real meaning.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I just want to respond to the last member's comments. One of the most common things I heard when we were talking about this bill was that most people said, "I can't believe we don't have it. I watch these old movies and I see people going to veterinarians, going to discredited doctors to get treatment because they're afraid to go and see a doctor or go to the hospital." I said, "Believe it or not, there isn't a province in Canada that has it." The anomaly is, you've got to report a hole in a car that's been made by a gun, but not in a person.

To answer the question about knife wounds, we absolutely considered that. But let me tell you, the medical profession was very concerned that they didn't want to get involved in the patient's life and things of that kind. They were concerned about their liability. So we were very careful to suggest that a gunshot wound is a gunshot wound. If you see it, just report it. You don't have to do anything else.

When you get involved with knife wounds, you have to make some very subjective decisions. How did this happen? Where did it happen? Am I going to report some kind of wound that may be as a result of an accident that happened in a car, where it looks like a knife wound? All these things were a problem for the medical profession. They said, "If you want us to co-operate, we fully support it, but we want to limit it to gunshot wounds."

We think it's a great idea. We think that, notwithstanding some of the comments that were made about it

not reducing crimes, you cannot compare the American experience with the Canadian experience. In the United States, lots and lots of people walk around with guns; it's quite common. You walk into places and they'll have a sign: "Please deposit your guns here before you enter." I am suggesting to you that we had a lot of consultation. We have not only the emergency section of the OMA supporting it; we have the full OMA supporting it. We think this is the way to go, and we're delighted that we're bringing this legislation forward.

The Speaker: The member from Guelph-Wellington has two minutes.

Mrs. Sandals: I'd like to thank my Minister of Community Safety and Correctional Services and the members from Nickel Belt, Ottawa-Orléans and Halton for their comments.

I'd like to talk a little bit about the idea that somehow, as the member from Halton says, this is a puff bill because there aren't penalties. I would suggest that what we are doing here is requiring that hospitals report. We're requiring that a public institution report. There are all kinds of requirements, under law, that public institutions in Ontario report all sorts of things. I would suggest to you that in most of these cases there isn't some sort of penalty if the institution fails to report. It's simply assumed that if you are a public institution and the law says you need to report this, you comply with the law because you're a public institution. So I would suggest that perhaps I have a little bit more faith in public institutions than the members for Halton and Nickel Belt.

I'd also like to point out, with respect to knife wounds, beer bottle wounds, and somebody-really-punched-you-out wounds—whatever it is—that in all these instances there is nothing that prevents emergency room physicians from reporting these to the police if, in their judgment, they are very severe. But what we heard from emergency room physicians was, "Don't make knife wound reporting mandatory. If we have to report them all, it's a huge number," because people find an incredibly large number of ways to cut off fingers that have to do with chopping wood and chopping vegetables and all those delightful things. So we are simply listening to the advice we received.

The Speaker: Further debate?

Mr. Cameron Jackson (Burlington): I'm pleased to be in the House today to offer some comments on Bill 110, and I want to thank the minister for bringing it forward.

I just want to say a few words about the minister before I begin. He and I were elected on the same day. The day after the last election, people in the media asked me about the various persons who might make cabinet, and I will say—and I've said publicly—that of their entire caucus, the one person I thought would probably do the best job of the lot in the area of public safety would be the minister. I say that because I know him personally and I know of his record.

Mr. Chudleigh: That's going to be in his brochure.

1540

Mr. Jackson: That's fine, as long as he doesn't ask me to knock on doors for him.

Hon. Mr. Kwinter: I thought we were friends.

Mr. Jackson: Yes, I'm really killing you over there, aren't I, buddy?

I want to preface my comments with that because I have some concerns that I want to raise about this bill and other bills and what I'm starting to see as a pattern developing from the message lines of the McGuinty government and the actual teeth and legislative importance they're putting on issues around public safety.

Earlier today we debated the issue of the performance of the Attorney General, in terms of preparing to seek community protection from our courts with respect to early parolees and section 810.2 of the Criminal Code, to put a leash on criminals. We're finding out now that the only application to come out of this government is in a Quebec court. We haven't even applied it to protect our own people in our province, but apparently it's important to this government that we protect the people of Quebec from Karla Homolka.

So there is a pattern here and a history with respect to the honourable minister's political party and their performance in the 19 months they've been the government.

The first criticism they're going to make is, "Why didn't you do that? Why didn't you do it when you were the government?" The answer is that the police had an agenda when we became the government back in 1995—the Police Association of Ontario, the Ontario Association of Chiefs of Police and the Ontario Provincial Police Association. The minister knows of my familiarity with those organizations and the work I've done with them over the years. Each of those organizations had a 10-point agenda for public safety, and this item wasn't on it.

The minister has never been asked the question, but his bureaucrats will tell him that the first time we heard this was a significant issue was two years ago, in mid-summer 2003. It was Chief Julian Fantino who shared that with the government and said, "We realize"—as the minister has said, and he's absolutely correct—"nine out of 10 people in Ontario would have assumed that this was the rule." The problem we have is that this is not what Chief Julian Fantino asked for. He asked for there to be mandatory reporting, with penalties for non-reporting. The chief got it, the chiefs of police got it, and the bureaucrats who were working on it during the final months of the previous government got it. That's why we were a little concerned about two aspects of this bill.

One is that there is no real penalty for non-compliance. In fact, I would argue that the doctors in this province are in a position to say, in an internal memo to their staff, "You are responsible for the reporting of this, not me." They have the right to download the responsibilities to their employees. It's done all the time.

As to the minister's suggestion that the OMA objected to this because it would add to their liability, yes, under the system in Ontario, a criminal could go to legal aid

and legal aid would then be hired at taxpayers' expense to go sue a doctor, but that doctor would never, ever be inside a courtroom, because the minister didn't tell us all that the taxpayers of Ontario pay the liability for doctors in this province. Doctors don't pay it. It's paid for by the province of Ontario. The amount paid is paid directly, much like the teachers' pension. It comes directly from an order from cabinet. We pay the bill. So this is not going to add to the liability.

The doctors don't want to have the responsibility. If we want to be honest about this, they don't want somebody threatening them in their office, saying, "If you report this, there will be consequences." One presumes that the individual with a bullet wound is someone who has just engaged in some sort of criminal activity. Lord knows, we're not going to be worried if a police officer, God forbid, is sitting there with a bullet wound. We're going to be scrambling around making sure we report it to the police. This is for criminal activity, to reduce its incidence and to allow the police to do their job.

I submit to you, after carefully reviewing this legislation and looking at the comparisons in the United States, on the one hand, it's in the minister's press kit about so many jurisdictions in the US having it, and then he stands in his place this afternoon and says, "You know, we're not like the United States." I'm still trying to figure out what his real message is. But the truth is, in the United States they put teeth into it. They realize that just saying, "You should report"—imagine if we did this with the other things where there's mandatory reporting, for women who are the subject of rapes. We don't need to be casual about this. There should be rules in place that are followed, and as my colleague from Sudbury-Nickel Belt has said, it's meaningless without consequences. That's the first issue.

The second issue is knife wounds and the statement that the minister made as to why we're not going to look at this practice. It's very hard to figure that somebody who had four or five stab wounds in them had a cooking accident. This is a huge leap for people. Yet we know that, increasingly, young people who can acquire knives quite easily are using them as their preferred weapon to intimidate and to do all these other criminal activities that they're wont to do. I'm concerned that even though the practice in the US and the advice of ministry staff at one point was that we consider these things—in fairness, we should proceed with that—the government of Dalton McGuinty and the minister, in particular, have chosen not to go down that path.

To be fair to the minister, he has said that this was a request by the OMA. OK, so is the purpose of this bill to make the process of reporting comfortable to the OMA? Or is the purpose of this bill to ensure that we can match up criminal activity with police as soon as possible, so that victims who will have gunshot wounds and perpetrators who will have gunshot wounds will have the police dispatched, so that they can complete their investigations and the charges can be laid, so that we can get these people into court, and that will be the deterrent

which is supposed to be designed into this in order to ensure greater public safety?

I mentioned earlier the 10 items on the agenda. I want to walk through a couple of those items as they relate to guns. In the House today, there are only two members who have served here since 1985, as I have, from the government benches. They will remember a terrible, terrible incident in Sudbury, when Constable Joe MacDonald was executed. He was dispatched to his own murder by someone who had criminal intent, was obviously a dangerous person and was out on early parole for a provincial offence: two years less a day. Joe MacDonald was armed with terribly inadequate firepower. At the time—I'm going back to 1992 or 1993, when Joe was shot—we were the only province left in Canada that didn't allow hollow-point bullets.

I know the minister is aware of this issue. We had insufficient firepower for our police, and we had the weakest bullets. The proof of this was that Joe was able to get his revolver out and discharge one shot that went through one of the two assailants. Eventually, he cocked his own gun and executed Joe, shooting him in the back of the head, with not only a weapon but ballistics that were two to three times more powerful.

1550

Nothing happened as a result of that. There was a coroner's inquest, and a few other things did happen—to correct the record, some things happened. But what didn't happen was that we didn't acknowledge the importance of giving our police officers both those items: increased firepower—modern weaponry—and the ability to use hollow-point bullets, which they did not have. Had Joe had hollow-point bullets and a better weapon, we don't know whether he would have been able to survive that. But I do know that with my colleague the member for Leeds—Grenville, and I said this morning that I was proud to stand shoulder to shoulder with him on these issues, we eliminated the Ontario Board of Parole, because if they were going to take these murderers and put them out on to the street automatically, give them one-third time off for good behaviour so that they were out on the streets after one third of their sentences of two years. Those were the kinds of issues that were paramount to police officers in Ontario at the time, which would explain extensively why not until 2003 did Julian Fantino formally make the request that this kind of legislation be considered by government.

Another item on their agenda was Project Turnaround for young offenders. We know that the young offenders who are coming into our system today are more violent, that they are aware of the subtleties of the law. We disagree, the Liberals and the Conservative Party fundamentally disagree: A 12- or 13-year-old who picks up a gun and shoots someone should not be tried in child court and should not be given the protections of the ministry of children, when the ministry of corrections and others should be trying—why? To this day, we have 19- and 20-year-olds who have committed murders who are still in the youth justice system, and that youth justice

system has been terribly watered down, so much so that you'll find there is a 70% vacancy rate in a certain number of our youth detention centres.

Those violent kids who used to be in our system are now out on the street. You would think that the minister would want to arm himself with an opportunity, such as Bill 110, to ensure that when these young people are engaged with guns, as they seem to want to be in this province in increasing numbers, we would have a truly mandatory reporting system in place with penalties for those medical professionals who failed to respond.

I also remember a case, and I'm not going to mention names. What might be the reason? Maybe somebody will be engaged, have a gunshot wound, and may not want that to be reported. The only example I can remember that has been raised in this House was a former Attorney General, who presented herself to a police station with the suggestion that they might be processed somewhat differently. I remember that period of time and so does my colleague opposite. It's demonstrative of the fact that a mandatory system without penalties—if somebody breaks this law, there isn't even a penalty. There is not even a slap on the wrist. In my view, that lends itself to abuse.

If there's anything I've come to learn about crime in this province, it isn't the exclusive purview of the poor. It is an issue that crosses all economic groups. So one would see that this legislation, although very well intended, has the potential for a degree of abuse.

We objected to the fact that the government and the minister have decommissioned the Ontario Crime Control Commission, something that was put in the hands of the public to give them a say, to influence public policy. We've also seen, coterminous, the Office for Victims of Crime completely dismantled by the current Attorney General, and the unceremonious firing of Priscilla de Villiers, probably Canada's top champion and expert on victims' rights and victim services, along with others who were fired, including people like Debbie Mahaffy, who was the subject of discussions this morning, turfed out and told, "You're no longer needed, nor is your board, neither is your executive director, neither is your staff," in order to effect the changes.

I haven't even had time to talk about the issue of the mysterious disappearing officer announcement made by the Premier in the third week of October of last year when, with some bravado, he indicated that he would honour his pledge of 1,000 police officers, but only 500 of those would find their way into community service. It was not in his press release but, when pressed by reporters, he indicated that, well, it might cost about \$30 million. Yet, if you look at the secret documents that were released by the freedom-of-information officer about the costing of the Liberal election platform, the true cost of that is \$100 million.

So what are we to learn from that? Are we to learn that the Liberal Party's intention, when it promised it before the election, was that as long as 1,000 more officers are hired, it doesn't matter how they're paid for? Are we to

believe that they never said—and to their credit they never said how they'd pay for it, but now we're starting to find out that if the true costs are \$100 million, why then would they only commit, as the Premier has said, \$30 million? There's no time frame for when these officers will be put in place, there's no costing, there's no formula, and it's hard for us to believe that it's a real commitment.

I can tell the members opposite that under the PSAC system of public accounting in this province, if you make the announcement, the dollars have to flow in that year. Well, that year is gone. March 31 has come and gone. Premier Dalton McGuinty stood, shoulder to shoulder, right next to my esteemed chief of police, Ean Algar, who has been both the Ontario and Canadian president of the chiefs of police, a distinguished public servant. You can imagine how surprised and disappointed he must have been on March 31 when no announcement and no dollars and, therefore, no new officers appeared in the province of Ontario.

When we consider the importance of this bill, it begs the question, why are we prepared to do this, unless we're going to do it right? So I implore the minister opposite if he would please consider some of these important amendments. There is nothing mandatory about this bill if there's not even the mention of a penalty. The defence that it'll affect their liability begs the larger question as to what the purpose and the motive are behind this bill. I thought it was for public safety, not to mollify the doctors and to insulate them from potential threats and potential litigation. If that's the case, then the minister should be more forthcoming to the citizens of Ontario as to its intent.

It's important that we get into a protocol of reporting these, so that police officers can do their work. I lament the fact that the minister opposite gets very little, if any, support from the federal government. It's a matter of public record, since we're talking about guns and ammunition, that the Liberal government in Ottawa has invested \$2 billion in a gun registry, and here we are in Ontario debating Bill 101, about reporting gunshot wounds, and we have a government saying, "You know what? We really can't afford to pay the liability insurance for our doctors, so we're not going to provide a bill with real teeth."

The Acting Speaker (Mr. Joseph N. Tascona): Questions and comments?

Mr. Michael Prue (Beaches–East York): I've had a chance, an opportunity, to only hear half the speech as, unfortunately, I was in subcommittee in the backroom. But in the half I heard, the member from Burlington did touch on a number of very key points, and I think they need to be commented upon.

The first is the need for extra police officers. It is all well and good to have doctors and health care practitioners report the gunshot wounds, but unless there are trained police officers to do something with those reports, very little good, if any, will come of it.

1600

The police have told us that the collateral information that a trained police officer would obtain from questioning and interviewing the victim of a gunshot wound is every bit as, or probably more important than, the information they would get directly from the health care professionals. The police would be able to look at the true circumstances as to how the gunshot wound was obtained, whether or not there was intended violence, whether it was an accident, whether there were gang relations, a whole number of factors that would come into play for us to be able to do something as a society about the fact that someone was shot.

Without the police presence, merely the fact that Mr. X was shot by Mr. Y, or was shot with the assailant unknown, provides very little information. In fact, that's what we in our society are increasingly finding from gunshot wounds. There isn't a week or a month that goes by where I don't see something in the newspaper or something on television that a person was shot but refuses to co-operate with anyone to say how or why he was shot or who the assailant was or whether he knew the assailant. What we are seeing is a whole bunch of people going very mum because they are afraid of retribution. We need more police in order to investigate this. When I have an opportunity to speak later today, I will expand upon this theme.

The Acting Speaker: The Chair recognizes the minister.

Hon. Mr. Kwinter: I only have two minutes, but I'd like to respond to the minister from Burlington—the member from Burlington; he was the minister—to say that when we talk about this particular initiative, I didn't one day decide, "You know what? I'm going to bring forward a bill to deal with gunshot wounds." This was requested of me by the police. It has the support of the Ontario Association of Chiefs of Police. It has the support of the provincial police association. It has the support of the Ontario Provincial Police. It has the support of the Police Association of Ontario. So these are law enforcement agencies that have asked that we bring forward this legislation. They have lots of other requests as well. The reason why this one is coming forward at this particular time—we introduced it some time ago—is that it's a very simple bill. You asked for it. We can do that very easily. Some of the other things they have asked for have very serious cost implications and things of that kind that we have to work through. But this was easy. Do you want this? Why not? Let's see how we can do it. And when we got into it, it wasn't quite as easy as it looked. There are legal implications, medical implications, and after a lot of consultation with various people in law enforcement, with the legal profession, the judiciary, the medical profession, it was decided that this bill would suit their purpose.

The member from Burlington also commented that we are putting doctors at risk. I can tell you that they don't always deal with the criminal element when they are dealing with gunshot wounds. If you see the news today,

you'll notice that a woman who was shot in a drive-by shooting, at random, is finally going to get some kind of justice because the police have investigated and have arrested several members who were involved in that shooting. This is Mrs. Russo. She was just going to get a sandwich, and she was shot. In some cases, the mere fact that she was shot, whatever it was, she may not have been taken to a hospital where she could have had a doctor look at her, and that's vital information that they get because of the wound, the bullet and everything else, and that will be useful to them in their investigation. So it's important.

I want to spend one last minute, and that's on the commitment on the 1,000 officers. Just to correct the record, the Premier has announced that it will be \$30 million a year, and it will be the—

The Acting Speaker: The Chair recognizes the member from Cambridge.

Mr. Gerry Martiniuk (Cambridge): Thank you, Mr. Speaker. I hope I can speak as long as the Minister of Consumer and Businesses Services, in case I go over my two minutes.

I'd like to congratulate my friend and colleague the member for Burlington for his critique of this very important bill, a bill that no doubt we're all in favour of, in principle. My colleague the member for Burlington has served his community—I didn't realize it—20 years. That's a substantial length of time. No doubt he looks the same as he did when he started 20 years ago. He probably has the same amount of hair, and he's as fit as ever and as young-looking as ever, and of course he has a substantial pension coming.

Mr. Jackson: Correct that.

Mr. Martiniuk: I'd better do that. Unfortunately, my friend and colleague receives no pension, along with the rest of the MPPs.

He does raise a very important point. Everybody is in agreement in principle, I'm sure, that we need some reporting system by physicians so that the police can investigate this type of possible crime. But it's very rare that we stand here and spend the time in this House without sanctions. It just seems peculiar. We have sanctions—not for the majority of people. We have speeding laws. We have rules of the road to prescribe that we do not go through a red light. Why don't we? I think 95% of the people or more would agree to that rule and carry it out whether there was a sanction or not. The sanction is always aimed at those few who refuse to play by the rules. There could be, basically, in this case—

The Acting Speaker: Thank you.

Mr. Martiniuk: Oh, I thought you were going to be as gracious as you were with the minister.

The Acting Speaker: I think I was.

The Chair recognizes the member for Nickel Belt.

Ms. Martel: I'm going to have a chance to speak next on this bill, but there was something the member from Burlington said that I wasn't actually going to address in the context of the remarks on Bill 110, so let me just say it now.

He talked about police officers, and the government's announcement with respect to 1,000 new police officers and the funding that apparently has been allocated for that. Given that he talked about it and that the minister responded to it, let me just say that I have heard from my own police chief and a number of other northern police chiefs that if the government doesn't change the funding formula and provide more than 50 cents on the dollar for new police officers, neither my community nor most other northern municipalities will be in any way, shape or form financially able to hire any new officers, period.

I know that Chief Ian Davidson from the city of Greater Sudbury has spoken to the minister about this and expressed his concerns, not only on behalf of our own community but on behalf of a number of other northern police forces, that the reality with the down-loading is that, given all the other financial pressures that municipalities are now facing, they will not be in a position to use the provincial money that's offered if more money isn't put on the table.

It means that the government has to seriously reconsider the funding share that it first announced, take into account the special circumstances in northern Ontario, special circumstances with respect to providing police protection over great distances, and make a change in the funding formula so that the province picks up more of the tab. Otherwise, neither my community nor most other northern municipalities will actually be able to hire any new officers, because they won't be able to find the local share that's required as part of this initiative. So I hope the minister will come forward soon with a new funding formula to take that into account.

The Acting Speaker: The Chair recognizes in response the member from Burlington.

Mr. Jackson: I want to thank the members for Beaches-East York, Cambridge, Nickel Belt and the minister for their comments.

Minister, I want to make it abundantly clear that I'll be supporting this bill. I just feel that this was an opportunity that should have been capitalized. I make no bones about how I set my priorities in terms of how I put a policy lens on issues. My first concern is for victims. My second concern is for public safety. My third is for officers in the line of duty. With all due respect, Minister, I put the civil libertarian bench in this province and I put the medical concerns at the bottom of that hierarchy of need.

By your own admission in this House, you've said that this should be a simple bill, and it is. It's a one-pager or a page and a half. It just says that you have to report it. My concern is when you said, once you got into it—you were referring to your bureaucrats and your government—it wasn't quite as simple. We know what wasn't quite simple about it. Doctors don't want this additional reporting responsibility to have any degree of liability. Well, that's the reality of medical practice on this continent, and we pay those bills.

1610

Then you went on to say that you were determined that it would suit their purposes. This gets back to where I part company with the Liberal government, but maybe not necessarily the minister himself. The concerns of the civil libertarian courts and the OMA are well documented, and found their way to suit their purpose in this legislation. But I fundamentally don't believe that any legislation should still perpetuate the ability to protect criminal confidentiality and to allow the conduct that we're trying to reduce. Incarcerating and bringing to justice those individuals is not, frankly, being upheld. It could have done better, and I wish it had.

The Acting Speaker: The Chair recognizes the member from Nickel Belt in further debate.

Ms. Martel: I'm pleased to have the opportunity to participate in the debate today. I want to recognize the fact that the Minister of Community Safety and Correctional Services is here listening to the debate. I appreciate that he took the time to do that.

I'd like to use the time I have this afternoon to repeat or reiterate some of the concerns that were raised by our critic, Mr. Kormos, both during the public hearings and also during his debate on this matter, which was on April 11. I hope that you'll take the concerns that I raise in the vein that they're offered, because I believe I have an obligation to point out what I think is wrong and why I think some of those things are wrong, and to hope that there will be another round of consultation and another round of potential amendments to try to deal with what's in front of us.

Let me deal with my own concerns first and then I'm going to talk a little about some of the concerns that were raised during the public hearing process. Firstly, I read through the Hansards. I've heard here again this afternoon a number of Liberal members say that this bill is mandatory, that this bill puts in place mandatory reporting of gunshot wounds, and it lists the institutions and hospitals, with the proviso that, by regulation, doctors' offices and other clinics might be included.

I have to point out again that the bill isn't mandatory. It is offering a false promise, frankly, and false information, I think, to the public to suggest that it is. If you look at the bill—and it's not a long bill to go through—you will see that under section 2 it does say the following: "Every facility that treats a person for a gunshot wound shall disclose to the local municipal or regional police force or the local Ontario Provincial Police detachment the fact that a person is being treated for a gunshot wound, the person's name, if known, and the name and location of the facility." That's what the bill says with respect to what the obligation appears to be for a facility to disclose this information to the local police.

The problem is that if the mandatory reporting were truly a statutory obligation, then somewhere else in the bill there would be a provision in one of the sections to outline what the consequences are if the reporting does not take place. There would be a section with respect to penalties, for example, if there is non-compliance with

section 2, which is the reporting provision. I regret to say that there isn't anything else in the bill before us, any other section that outlines what the penalties will be for non-compliance of reporting. Because the bill is silent, says nothing about the matter of a consequence of non-reporting, in truth, there isn't a mandatory requirement to report in the first place; there just isn't. Mandatory reporting would be followed up by statutory declarations about what the penalties are for non-compliance, and those fail to appear in the bill.

So as a consequence, in reality—and I think we have to tell the public this—an institution can decide to report or an institution can decide not to report, and that's the way it is. That's what we have with respect to the legislation, because there is no penalty for a hospital and its employees to decide not to report. There is no obligation. There's no mandatory requirement. There's nothing automatic about this.

We would be better to tell the public that a number of people hope that institutions might report, a number of people might, but that nothing in the bill obliges them, because there really are no consequences for non-compliance. As I hear Liberals say that it is mandatory, I have to repeat again, I'm sorry, it's not. We would probably all be very well advised not to leave the public with an impression that would just not be true, that would be, frankly, false.

Secondly, I gather that the minister, in his remarks in Hansard about this bill when he introduced it, said very clearly that family doctors don't have to report gunshot wound incidents under Bill 110. I gather that he said that on June 23, 2004, and the relevant page in Hansard would be 3176. I'm quoting from the minister at that time on that day: "If passed, the legislation would not make it mandatory for family physicians to report gunshot wound patients to police." Now, perhaps the minister's view has changed—I don't think that it has—but that was certainly his position on the day he introduced the legislation. So I assume that is still his position and that is still the government's position.

The situation we find ourselves in is, under Bill 110, family doctors don't have to report gunshot wound incidents. I've been trying to figure out how the minister thinks this bill is then going to work. The bill very clearly says that "the obligation" to report a gunshot wound to the police "may be extended by regulation to clinics and medical doctors' offices." That's in the explanatory note. So at some point in time the government can decide, via regulation, that they are going to ask doctors' offices and clinics to report gunshot wounds, if indeed victims present themselves at either of these two facilities. But the minister has also said that family doctors do not have to report. It's not going to be a mandatory requirement for them to report if a victim appears at a doctor's office or a clinic with a gunshot wound.

So if someone shows up at a clinic or a doctor's office, if indeed the government has extended the obligation, voluntary as it is, to doctors' offices and clinics, who then is responsible to report this? Who is left with the

authority? Who is in charge? Who is supposed to report to the police the fact that someone has presented themselves at the family doctor's office with a gunshot wound if not the family physician? Are we expecting that his or her receptionist is now going to be accountable for that and responsible for that? If it's in a clinic, is it going to be some member of the administrative staff who is going to do that? Why would the obligation be on them and not the family physician?

I'm not sure about the discrepancy that I see in this legislation with respect to what the minister has stated on the public record, which I believe is still in effect, which is that family doctors don't have to call the police, but if someone does show up in their office, there is an obligation for somebody to call the police and report that. Well, why should that be the receptionist and not the doctor or vice versa? My concern is that everybody should have to report or nobody should have to report, because I can't see why there would be an additional obligation on somebody in a physician's office to do something and that obligation would not equally be shared with the physician in that very same office.

So I have a concern about how the government really thinks this is going to work if the government extends the obligation—and it's very voluntary—to a doctor's office or to a clinic to report, but at the same time makes it clear that the family doctor in that doctor's office or the family doctors in that clinic bear no responsibility to report that someone with a gunshot wound has come in and that seemingly gets delegated to someone else. I don't understand why there is that discrepancy and I don't understand why that responsibility would not be equally shared; either the physician has to do it or the receptionist has to do it or nobody has to do it at all.

1620

Alternately, I'm thinking about the government extending this voluntary obligation to a physician's office or a clinic, and what possible consequences there are then going to be if gunshot wound victims know that if they show up in emerg, somebody there may very well report that to the police, but if they go to the doctor's office, in all likelihood it's not going to be reported to the police, because we already know that family doctors aren't under any obligation to report.

I'm starting to see that any number of people are going to directly bypass the hospital because they think that probably somebody at the hospital—an emergency room physician, for example, or a nurse—is going to call the police, but “If I get myself to a family doctor's office or a community clinic, in all likelihood this is never going to come to the attention of the police, because the folks most normally in charge there, the family doctors, don't have to report this.”

I've got to tell you, I really worry about that scenario, because I don't think most family doctors' offices or community clinics are in the best position to provide the kind of medical attention that's probably going to be required if someone is suffering from a serious gunshot wound. I'm not questioning the medical capacity of the

physician involved; I'm questioning the set-up in his office and his ability to respond to what could be a very serious injury.

I say again, we've got some problems here with respect to the minister's proposition and his public suggestion that family doctors will not be in the position of having to respond. There's the perspective of who does respond in a family doctor's office or a clinic when a victim shows up, and alternately, what that is going to mean to people who very consciously decide that they're going to try to bypass the hospital, where it might be more likely that they will be reported to the police, and head for their nearest after-hours clinic or the nearest family doctor's office because they feel that probably nothing is going to be reported there, because there is no obligation on the family doctor to do that.

So I've got some real problems in terms of seeing how this is ever going to work, particularly how it's ever going to work if you have one set of obligations for one set of health care providers—or receptionists, or administrative staff—and not a parallel responsibility for a family physician, particularly those in a doctor's office and those in a community clinic or after-hours clinic.

Fourthly, the minister's promise that family doctors won't have to report is actually contrary to what professional bodies like the College of Physicians and Surgeons encourage doctors to do now. I've had some concerns about that as well. Both the CPSO and the College of Nurses, as part of their professional standards, encourage nurses and doctors to report gunshot wounds when they believe that it is in the interest of public safety to do so. That was confirmed in a presentation that was made by emergency room physicians from St. Mike's, who said very clearly:

“In any situation in which a physician reasonably believes a gunshot wound victim could pose an imminent risk to others, the physician has a legal and ethical duty to report that victim's identity to police under ‘duty to warn’ requirements as established by common law and by the policies of professional organizations (including the College of Physicians and Surgeons of Ontario).”

That seems to be what their colleges expect them to do—I'm referencing doctors at this point—and it's very clear that, in doing that, these professionals would essentially be exempt from the privileged relationship that exists between a provider and a patient. If this is what the CPSO has in its regulations and expects doctors to follow, why is it that the minister has a contrary view with respect to what his expectations are for family physicians when he says they won't have any requirement to report? I see a real contradiction there, and that contradiction essentially also carries to family physicians, if they were in their own offices or in clinics. I don't understand that contradiction, in the same way that I don't understand why we would have some expectations or responsibilities for some health care professionals and some for others.

That leads me to the comments that were made by the RNAO at the public hearing. I want to read most of this. It's short, but I think it's important to make the point,

because the RNAO came forward and essentially opposed the government's bill. Their acting executive director said the following:

"... we cannot support this legislation, which would place an additional obligation on health care professionals to report to police when a person is treated for a gunshot wound.

"Let's be clear. Most of the time, it will be registered nurses who will be obligated to report. RNAO believes this obligation will have a negative impact on the confidentiality aspect of the therapeutic relationship between registered nurse and patient. The notion of confidentiality is essential to nurses gaining and maintaining the trust of patients. If registered nurses must act as an extension of law enforcement, it will have a chilling effect—not only on patients with gunshot wounds, but also on other vulnerable clients.

"We are concerned that mandatory reporting of gunshot wounds could deter people with such injuries from seeking treatment. This could further jeopardize the safety of abused women, families and their children, and teens. This could also spill over to other patients who may be less inclined to seek the care they need or provide information crucial to their recovery.

"We believe public safety concerns in regards to gunshot wounds are currently addressed by the standards of nursing practice set by the College of Nurses of Ontario, the regulatory body for nurses. These standards provide for voluntary, rather than mandatory, reporting. They allow registered nurses to use their professional judgment to decide when it is in the public interest to report gunshot wound victims. If safety concerns outweigh those related to patient confidentiality, nurses can and are obligated to report any treatment or health care condition, including gunshot wounds.

"Furthermore, we believe that mandatory reporting will not be an effective policy to increase firearm safety. Evidence indicates that almost two thirds of gunshot wounds that required hospital admission were either accidental or self-inflicted. Seventy-eight per cent of deaths from gunshot wounds were related to suicidal situations. As a result, RNAO believes that a focus on prevention through gun safety education and mental health services would be a more effective focus for policy in this regard. In rural areas where hunting is more widespread, mandatory reporting could divert scarce health care resources to reporting accidental injuries, and away from more productive use of time on the part of both registered nurses and police officers.

"Finally, the most effective policies to reducing violent crime are those associated with the social determinants of health—those that reduce discrimination and inequality; those that address nutrition, affordable housing and child care."

I thought that was a very interesting perspective by some of the folks who believe that they, more than others, are going to be the most responsible for actually doing the reporting to the police. The argument that I would make in the House is that I think a nurse's time in

a hospital is as valuable as a physician's time, and vice versa. A nurse's time in a community health centre is as valuable as a physician's time. And it's the same in a medical clinic, if nurses are employed in that medical clinic.

Again, I don't understand why it seems that in some scenarios, in some settings, the burden for reporting is going to fall on to one health care provider; it's not going to be equally shared among whoever is there providing care when a gunshot wound victim arrives. I don't understand that discrepancy. I have to tell you, Minister, I don't.

The final points I wanted to read into the record come from the presentation that was made by the emergency physicians at Saint Mike's. It was Dr. Cass who spoke on behalf of the group. He reported again that 80% of those people who die from firearms incidents are suicides, and since this is not related to a criminal activity, it would make a whole lot more sense to have someone from mental health dealing with the fallout of that than actually having the police deal with those kinds of matters. But there is no discrimination that is being made in terms of gunshot wounds as appears in the bill. It doesn't matter what the reason is; the police are supposed to be called.

They raise a couple of concerns: "... gunshot wound victims with non-life-threatening injuries might not attend emergency departments or might delay attendance resulting in complications of their gunshot wound injuries. There is precedent for these concerns; for instance, fear of mandatory reporting of the identities of HIV-infected people resulted in those at highest risk for HIV not seeking testing or counselling in the 1980s."

Point number two: "A gunshot wound victim whose identity is disclosed to police against the victim's wishes might be put at risk for retributive actions from others who are aware that the victim's name has been disclosed to police; this has been documented in the situation of women who have been assaulted by spouses."

Thirdly, "If gunshot wound victims with non-life-threatening injuries can seek treatment in the private offices of physicians without their identities being disclosed to police ... then such gunshot wound victims might do so in order to avoid emergency departments and mandatory disclosure of their identities. Family physicians' offices and walk-in clinics are not properly equipped to assess and manage patients with" gunshot wounds. "In addition, if such victims do pose a risk to others and consequently attract their assailant to the physician's office, these physicians are in a situation of being unprotected...."

1630

At the end of the day, they said—I just want to read their recommendations:

"We oppose the mandatory disclosure of the identity of gunshot wound victims as described in Bill 110.

"We do, however, support the mandatory reporting of statistics regarding all gunshot wounds, without patient identifiers, to an appropriate agency."

In conclusion, let me just say again that I've got some concerns about what seems to be a real discrepancy between who's going to be obliged to do something and who's not. At the end of the day, frankly, it's also clear that there really isn't an obligation in the law, because there aren't penalties. Any obligations that come with respect to reporting really come from people's own standards from their own colleges, whether it be CPSO or the College of Nurses. I hope that the minister will take some of those concerns into account when we deal with this bill, hopefully in committee again.

The Acting Speaker: Questions and comments?

Hon. Mr. Kwinter: I'm pleased to respond to the member and to clarify for her the issue she has brought up about the doctors having an obligation under their responsibilities to the College of Physicians and Surgeons and what is happening with this bill.

This bill talks about facilities. If you take a look at it, you'll see it says that "Every facility that treats a person for a gunshot wound shall disclose to the local municipal or regional police force"—and it goes on. So it talks about facilities. Then, in the regulations, it says that a doctor's office may be classified as a facility. So at the present time, as you have already said—you've sort of answered your own argument—the doctors have a responsibility to report a gunshot wound. Nurses have a responsibility under the particular legislation they're involved in. We are talking about facilities. What this does is put an onus on that facility to report that gunshot wound.

The argument is, will it cause some harm to somebody? Well, these people have obviously had harm caused to them. Someone has shot them, either intentionally or inadvertently, by accident, whatever, and we have a responsibility, in terms of public safety, to find out what happened: Is there someone out there who still has that gun and is out shooting somebody?

Again, this initiative was prompted by requests from the people who have the responsibility to maintain safe communities, and we have responded. We have responded in a way that I think is going to do the job. It is there because the request was made.

In the United States, virtually every state has the same type of legislation.

I hope that members will, in the final analysis, support it.

Mr. Jackson: I would like to commend my colleague from Nickel Belt for her comments. I underscore, as I did when I had the floor, the concerns she raised. The minister, in his explanation, is attempting to clarify matters that are raised in this debate. But her points are still valid, and her concerns have not been addressed, nor have mine.

What she is pleading for and what I have pleaded for is that the government put in this legislation or the regulations a failure-to-report clause. It's real simple. I'll give you an example. Why don't you just simply put in there that there will be a \$5,000 fine? Oh, maybe that's too harsh from the Conservatives—maybe a \$500 fine;

oh, maybe a \$10 fine. In yours, it's a zero fine. Why don't we charge a \$5,000 fine for failure to report, payable to the victims' justice fund in Ontario? It strikes me that if you operate your motor vehicle, as the minister knows, and you go six kilometres over the limit, you're going to be paying into the victims' fund.

I'm just uncomfortable with there being a double standard in terms of inappropriate conduct not being acknowledged with some kind of fine. Either we're serious about this or we're not. My colleague from Nickel Belt says we should be serious about this. Frankly, Minister, it's an opportunity for you to implement this legislation, which in and of itself is appropriate. But it's going to be hard to explain when the first couple of people come in with gunshot wounds and they aren't reported. What does that say about the efficacy of this legislation?

Mr. Prue: It's a pleasure and an honour to comment on my colleague from Nickel Belt and what she had to say. I watched the majority of it on television downstairs while trying to do some other work. I must tell you that she's every bit as impressive on television as she is here in the House. In fact, on most occasions I don't actually get a chance to watch her give the speech—I hear it from behind—and it was a pleasure to watch it on television.

Having said that, she does raise a couple of issues that I think the minister needs to be very clear about. The first is the fact that the penalty section of this act is non-existent. I thank the minister for being here, because he is doing a rare thing. I come here very, very often to speak on behalf of the people of Beaches-East York and often speak to a near-empty House. Certainly only on the very rarest of occasions do I actually speak to a minister who takes the time to come forward, so I want to thank him for participating in the debate and for giving his comments.

My comment to you is that you must include a penalty section for failure to report. If you are intent upon forcing doctors and health care practitioners and others to report these crimes, as I believe you are intent upon doing, there has to be something involved in the legislation that forces them to do so, because in the American jurisdictions without the failure to report—I will be speaking about that later—where there is not a mandatory reporting requirement, the actual reporting is not much higher than the present state in the province of Ontario. In fact, even when there is a provision that forces reporting to a government agency, as there is in Massachusetts, which has the highest reporting, it's still only 75%. I don't see how ours is going to work unless we adopt similar provisions that make a requirement mandatory, and penalties for not doing so.

Mr. Jeff Leal (Peterborough): It's been a very interesting debate this afternoon. I had an opportunity to listen very carefully to my colleagues. The member from Nickel Belt and the member from Burlington certainly add a number of points of view which I think are very important for a bill of this nature, Bill 110, the mandatory reporting of gunshot wounds in the province of Ontario.

I do want to compliment the Minister of Community Safety and Correctional Services. I know from my police force that I deal with in Peterborough—having dealt with them for a while when on council—that the current chief, Terry McLaren, and the deputy chief, Ken Jackman, see a minister who's been consulting with them over the last 18 months. I think this bill that's been brought forward by the minister is a product of that consultation with police chiefs across the province of Ontario and, indeed, of listening very carefully to the rank and file, the men and women who don the uniforms each and every day to provide safety for individuals in our respective communities. And I know he's actively working on the commitment of 1,000 police officers over the mandate of this government, to make sure that there are more men and women out in the field each and every day to make sure that bills like Bill 110 are indeed enforced.

I note that this legislation is consistent with some 45 American states that have some form of law that provides mandatory reporting of gunshot wounds or other wounds. I think, if it's passed, this will make Ontario the first province in Canada to have the same requirement. I think that shows a great deal of leadership on behalf of this minister.

We're now in second reading, and a potential that this bill will go to committee for additional review. I think that's particularly helpful. So I think—

The Acting Speaker: Thank you. In response, the Chair recognizes the member for Nickel Belt.

1640

Ms. Martel: I'd like to thank all members for their comments. Let me focus on two.

I've pointed out that you can't say the bill is mandatory, because there are no provisions for non-compliance. While the member from Burlington has said, "Put those in," my argument is that I really do, at the end of the day, think that health care providers, nurses and doctors in particular, living under the standards under which they operate as health care providers, both under the standards set by CPSO and by the College of Nurses of Ontario, will report gunshot wound incidents to the police when they believe there is a threat to public safety. I believe they will do that on their own.

So I didn't come here today making an argument for a provision to be put in the statute that would clearly set out penalties. I would much prefer us to continue with what is in place, which is doctors and nurses using their best judgment in emergency rooms and other places to report to the police when they know that there is an issue of public safety. Those are requirements under their professional bodies. I've got to believe they are going to live up to those responsibilities and obligations.

Secondly, with respect to the minister, it was the minister himself who, when this bill was introduced, said very clearly that, if passed, the legislation would not make it mandatory for family physicians to report gunshot wounds to the police. What I tried to raise here today is that I don't understand why he took that position a year ago. Clearly, there is a discrepancy there between

what the minister has stated he thinks the obligations of family doctors are, and what family doctors themselves believe their obligations are with respect to standards and their college of family physicians and surgeons. Secondly, the bill does make it very clear that government, by regulation, can extend this reporting to family physicians' offices and to clinics. I'm going to operate under the assumption that the government is going to do that at some point. I say to the minister, then, if that's your intention, because it appears in the legislation, why do you have a different standard, one for reporting for other people in a doctor's office, but no obligation for a family doctor to report a gunshot wound in that circumstance?

The Acting Speaker: Further debate?

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'll be sharing my time with the member for Scarborough Centre.

I'm pleased to stand in support of Bill 110 today. All too often, our communities are shocked and saddened by stories we hear about gunshot wounds and gun incidents across the city of Toronto and in my own community of Etobicoke-Lakeshore. I know that individuals in our community have really been saddened and shocked and are wondering, what steps can we take as a province and as a government to try to deal with the fact that guns are lethal weapons and a severe danger to public safety in each of our communities? I think this legislation is one step forward along the path that we can all take together to make our communities across Ontario safer.

This legislation, if passed, will require public hospitals to report to police incidents of gunshot wounds without fear of reprisal or professional sanction. Health care professionals are already required to report incidents of child abuse, contagious disease and violent deaths, and under the Highway Traffic Act, section 60(5), tow truck drivers and operators and repair shops must already report to police when they work on a vehicle that contains bullet holes. It's a strange circumstance in our province when you have to report on an incident affecting a vehicle and a gunshot wound, a gunshot incident in a vehicle, and you don't have to report something happening to an individual.

So this legislation will be a step we can take forward to make sure we try to curb the crimes associated with guns, and the fact that guns are a large component of serious criminal incidents that occur in this province. Forty-five states already have some form of mandatory reporting of gunshot and other wounds, but no other provinces in Canada have legislation that requires hospitals or health care professionals to report gunshot wounds to police. So this will put Ontario on the leading edge of dealing with a serious crime which unfortunately, in many ways, Ontario is already on the leading edge of, as our communities face day after day terrible stories about gunshot incidents. Just recently again in Toronto that was certainly heard and devastated our community.

Statistics for 2002-03 reveal that of the 196 cases admitted to Ontario acute care public hospitals for injuries resulting from firearms, 96 were the result of assault, 69

were accidental, and 31 were self-inflicted. So these incidents are occurring across all of our communities.

The minister has already indicated in his statement and leadoff on this that there is a great deal of support in respect of this legislation. I think it's because, as we know, guns pose a unique threat to our communities, so various sectors have come together to support this legislation. I think it's important to acknowledge the expertise of those who are supporting the legislation: the Ontario Medical Association, the Ontario Association of Chiefs of Police, the Ontario Association of Police Services Boards, the Ontario Provincial Police, the Police Association of Ontario and the Association of Municipalities of Ontario. All of those expert groups who work on keeping our communities safe each and every day are supporting this legislation.

From John Rapin, the president of the OMA: "Physicians recognize the special threat that guns pose to public safety.... We are also mindful of our ongoing duty of confidentiality to our patients and are pleased that this legislation prevents detailed clinical information from being released to police." As a result, the Ontario Medical Association board of directors passed a resolution in support of mandatory gunshot reporting. I think it's an important cross-section of our province that is supportive.

There is also an interesting article and a quote in the *Annals of Emergency Medicine* that talks about the role that emergency medicine and police can play in collaboration to prevent community violence. That's what this legislation is really trying to get at: a collaborative approach to keep our communities safer. That article says, "If emergency departments and law enforcement work together to enhance the reporting of crimes, this could deter potential offenders, provide police with information about violence that is not available from another source and help repair the wider damage done to victims and communities."

That is why it is this collaborative approach and how we will, by this legislation, take one step forward to make our communities safer, looking at the expertise that has come forward to indicate that this is a good step forward and a good vehicle to make our communities safer. It is the reason why, on behalf of Etobicoke-Lakeshore and wanting to ensure that my own community is much safer, I'm very pleased to support this legislation.

Mr. Brad Duguid (Scarborough Centre): I'm pleased to rise to speak to Bill 110, the Mandatory Gunshot Wounds Reporting Act. This bill would require health care facilities to report to police as soon as possible the fact that an individual is being treated for a gunshot wound. They'll have to report the name of the person being treated and the name and location of the facility.

I was on the phone not too long ago in the backroom, speaking to a friend of mine, who asked me, "What are you speaking on?" I told them, and, like I think many of us, they were flabbergasted that this wasn't already mandatory. They just assumed that if somebody came

into an emergency, a physician or attending nurse or somebody from that facility would have to report this kind of thing. But no, it's not mandatory.

In fact, amazingly enough, we'll be trailblazers here in Canada. I believe we'll be the first jurisdiction in the country that is going to be doing this. That doesn't mean we're the first jurisdiction anywhere doing this. I understand, as I think the minister said the other day, that something like 47 or 48 states throughout the US already have a similar type of legislation in place to ensure that these gunshot wounds can be reported to the police, which gives the police the opportunity to at least begin an investigation and try to get whatever the situation that resulted in a gunshot wound resolved.

It just makes sense to do this. Sometimes there are things that come before this House that simply make sense, and this is one of them. When you think that health care practitioners are mandated to report incidents of child abuse but not gunshot wounds, that doesn't add up; contagious diseases but not gunshot wounds, that doesn't add up; violent deaths but not gunshot wounds, again, that doesn't add up. They have to report medical conditions related to unsafe driving but they don't have to report gunshot wounds. That just doesn't make sense. It gets worse when you start using comparisons outside of the health care field. When you look at the fact that a mechanic has to report a bullet hole in a car but a doctor doesn't have to report a bullet hole in a person, that just doesn't make sense.

I want to thank the minister for coming forward with this legislation to allow us the opportunity to make some sense of this, to help provide police with an additional tool—a tool that they're looking for, a tool that police officers across Ontario want to see us provide them with. It's not just individual police officers who want this; their associations do as well. The Ontario Association of Police Services Boards is seeking and supporting this. The Ontario Association of Chiefs of Police have been seeking this for a very long period of time, and they still are. The Toronto Police Service wants this tool to help them be able to get out and investigate as quickly as possible when these gunshot wounds take place.

1650

It's time to bring some sense and clarification to this issue. I'm pleased that Ontario will be at the forefront of this approach. Think about it. When somebody walks into an emergency ward or is dropped off at an emergency ward and they have a gun wound—I think of my own local hospital, Scarborough Hospital. They do a great job in what is, frankly, an outdated emergency ward. It's 50 years old. They're dealing with cramped quarters. They're dealing with an emergency ward that's really in need of being fixed up. Speaking of Scarborough Hospital, I was there just yesterday, meeting with staff and the administration of the hospital and, in particular, the emergency ward because we're investing \$60 million, which I had the pleasure of announcing yesterday, in that emergency ward. I know this is of interest to you, Mr. Speaker.

Mr. Leal: Sixty million?

Mr. Duguid: It's \$60 million—the biggest announcement I've ever had the pleasure to make—that's going into a brand new emergency and critical care unit in Scarborough. It's something we've been looking for for a long time. I know the physicians there are very responsible, but they would like to see clarification of this too, to know whether they should or should not be reporting these gunshot wounds. Clearly, the government is drawing the line here and saying that they should be reported. Police need all the tools. The McGuinty government wants to provide all the tools we possibly can to our police officers to allow them to get out there and investigate these crimes. When somebody is going into Scarborough Hospital with a gunshot wound, I, for one, want to make sure the police have all the information possible at their disposal so they can get out there and investigate, and get whatever thug may have plugged somebody with a bullet off the street, out of our community, and this legislation is going to help them do that.

I thank the minister for bringing it forward. It's another example of how the McGuinty government is ensuring we help our police officers do the great job they do.

The Acting Speaker: Questions and comments?

Mr. Frank Klees (Oak Ridges): I'm pleased to add some comments in the course of the debate on this bill. Bill 110 is a bill that in one sense is simply common sense. Why would gunshot wounds not be reported? To spend this amount of time trying to come up with words to explain why we should, I think, is an absolute waste of our time in some ways.

So what I will do is speak to a very important announcement that took place today, and that was an announcement made by the Minister of Education regarding a multi-billion dollar settlement, a framework that was developed. It was negotiated between the Minister of Education—a multi-billion dollar framework to deal with teachers' contracts, and here is what this represents: For the first time in Ontario, the Minister of Education has now taken over contract negotiations. There will no longer be any need for local school board trustees, because the framework has now been established at the provincial level that every school board simply must now comply with. So much for local bargaining.

The four-year contract that this Minister of Education has now imposed is going to cost the taxpayers of Ontario, just on the salary grid alone, \$2.68 billion. That's in addition to the 200 minutes of preparation time that is also part of that framework. No one has even costed that out. The frightening thing is that when I asked the Chair of Management Board how much this was going to cost, even he couldn't tell me.

There's trouble ahead in the province of Ontario.

Mr. Prue: I listened to the two debaters, but I think I'm only going to comment on the speech by the member from Scarborough Centre.

One of the difficulties with this law: He was talking about the 47 jurisdictions in the United States. Yes, all of

the states have a reporting system, but I can't think of a single example where they do not have a reporting system that requires that the information be provided and has a penalty when it is not. In all of these jurisdictions, the reports must be made to a criminal justice law enforcement agency, and they impose penalties for failure to report. If this legislation did that, at least we would be emulating some of the successes in the United States instead of the failures.

In the much-touted Massachusetts example, they have required physicians to report stabbings and shootings to police for decades. Compliance under the system, before they changed it recently, was very poor, and it only improved when the Massachusetts Department of Public Health established the weapon-related injury surveillance system, which actually had a penalty for medical practitioners who did not report.

Even when they established the penalty, though—I don't want people to think this is the be-all and end-all. If you have a system where there's no penalty for not doing it, you have a very poor compliance system, not unlike what we have in Ontario today. If you beef it up and require that compliance, accompanied by a penalty to be imposed, even today the state of Massachusetts only has a 75% compliance rate among its physicians and nurses. I don't know what's being striven for here, but it's not going to make it with what this bill says.

The Acting Speaker: The Chair recognizes the member from—Willowdale, I guess.

Mr. David Zimmer (Willowdale): Mr. Speaker, I'm assuming you didn't have your glasses on, and that's why you couldn't recognize me as being from Willowdale.

I am happy to speak in support of this legislation. Here are some statistics that members might be interested in. In the calendar year 2002-03, there were 196 cases admitted to Ontario acute care public hospitals with injuries resulting from firearms. Ninety-six of those cases were the result of assault, 69 were accidental and 31 were self-inflicted. So we're not talking about a huge, burdensome reporting requirement on health care professionals here, but the reporting requirement dealing with these gunshot wounds will go a long way to enable police and law enforcement officers to successfully investigate these gunshot cases where they should be investigated.

Forty-five American states already have some sort of law on mandatory gunshot reporting. There's an analogy with what body shop owners have to report. If you're involved in an accident and you take your car into a body shop and ask them to repair it, the body shop owner has an obligation to put one of those stickers on the damaged car and make a note of it, so that if police officers come around to investigate a hit-and-run scene, for instance, there is a record of when the car was brought in, who owns the car and what the damage was so that the police officers can investigate.

It's somewhat similar with these mandatory gunshot reporting laws. In the last couple of days, in the newspapers, there have been some stories about shootings down here at Yonge and Dundas where the police in-

volved in the shootings got away and, obviously, went to the hospital. Police officers will be able to track these people down now.

Mr. Martiniuk: It's my pleasure to speak to this bill, Bill 110, once again. In doing so, I'd like to make reference to a couple of the amendments that were put forth before the justice committee after first reading of the bill, in particular, the one dealing with wounds other than gunshot wounds. This bill at the present time deals only with gunshot wounds. It was suggested as an amendment that, "The people of Ontario recognize that weapons such as guns and knives pose serious risks to public safety and that mandatory reporting of gunshot wounds and knife injuries will enable police to take immediate steps to prevent further violence, injury or death."

1700

Just reading the newspapers and noting the number of knifing incidents, not only, of course, within this city of Toronto but throughout our province, it would seem that the minister would want to draw this bill as widely as possible to ensure that reports were made of not just gunshot wounds but also knife wounds. For some reason, this government and this minister have refused to acknowledge that knife wounds are a serious problem in this province and should be under this act and reported as such.

The Acting Speaker: In response, the Chair recognizes the member from Etobicoke–Lakeshore.

Ms. Broten: I want to thank the members from Oak Ridges, Beaches–East York, Willowdale and Cambridge for their comments.

I want to comment directly on the member for Oak Ridges' comments that this was just common sense and not really worth talking about. That's somewhat interesting, because this issue was brought to the Solicitor General by the Ontario Association of Chiefs of Police way back in 2000, when that member's party formed the government. They were asking the Solicitor General to do something about the disclosure of gunshot wounds and in fact took the issue so seriously that they passed a resolution which reads, in part, as follows:

"Whereas medical health professionals in hospitals presently refuse to disclose such information to the police for fear of breaching the patients' confidentiality rights and thereby facing discipline from their governing bodies; and

"Whereas the provincial Ministry of Health, in 1997, prepared draft legislation in the form of the Personal Health Information Protection Act that would have allowed disclosure of personal information for the purpose of reporting a crime; and

"Whereas the proposed legislation was never introduced in the Legislature...."

I'll just close by saying that I'm pleased to be part of a government that is responding to the call that the police are asking, providing them with more tools. We have a minister who is willing to make sure that our communities are safe by giving the police the tools they need and at the same time responding directly to a legitimate

concern the doctors previously may have had that they did not want to breach patient confidentiality, so again bringing that collaborative approach forward to make sure that we can protect community safety. I am pleased to be part of a government and a supportive minister who have brought forward this legislation.

The Acting Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener–Waterloo): I am pleased to join the debate today on Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds, which was introduced by the Minister of Community Safety and Correctional Services, who I am very pleased to see is in the House today to listen to the comments about the bill.

This was a bill that received first reading on June 23, 2004. After first reading, it then went to the standing committee on justice policy, and we are now in the second reading debate, which I understand is going to be continuing next week.

It is a pretty simple bill. My colleague from Oak Ridges indicated that it seems to make common sense. I would agree. I think that probably most members of the House are going to end up voting for this legislation. It's a very small bill, and basically all it is going to do is require public hospitals and prescribed health care facilities to report to the police in the province of Ontario whenever they treat a person for a gunshot wound. I understand that others would only be included by regulation.

This is a bill that our caucus plans to support. This bill, or the impetus for this bill, actually came about as a result of a resolution that was introduced by my colleague Bob Runciman. In fact, today Bob has seen this government now move forward on two resolutions that he has brought forward. Of course, this bill we see today relating to the disclosure of information to police respecting persons being treated for gunshot wounds is one of the resolutions that Mr. Runciman brought forward, and as a result, the Minister of Community Safety and Correctional Services did subsequently introduce, then, this legislation.

Also today, Mr. Runciman brought forward another resolution. In fact, as a result of introducing this resolution some days ago, it has also prompted the government to take action. The resolution we debated today was Mr. Runciman's request that:

"In the opinion of this House, the Attorney General should:

"(a) immediately make inquiries of federal correctional officials as to any known or intended residency plans of Karla Homolka;

"(b) immediately convey to the Attorney General of Quebec the recommendation and request of this Legislature to the Attorney General of Quebec that should Karla Homolka indicate plans to reside in Quebec or not disclose such information that the Attorney General of Quebec invoke section 810.2 of the Criminal Code prior to her release to seek an order from the court to protect the public especially by including a reporting-to-police

clause in any recognizance she is required to enter into; and

“(c) immediately seek such an order should no information be known about her post-release residency or the Attorney General of Quebec declines to seek an order pursuant to section 810.2 of the Criminal Code in which case the order sought should include all of a residency restriction, police reporting and electronic monitoring clauses in order to best assure the protection of the people of Ontario and Canada from this convicted and dangerous killer.”

I'm pleased to say that this resolution, which stands in the name of Mr. Runciman, received unanimous support today in the House. As a result of his introduction of this resolution some time ago, it also prompted the current Attorney General to make some public statements about Karla Homolka and the fact that he agreed with Mr. Runciman on the need to protect the public. So today is a good day for Mr. Runciman because two of his resolutions have now gained the attention of the government, and they seem to be gaining the unanimous support of people in this House.

This particular piece of legislation was one that certainly involved our critic Garfield Dunlop. He went through the process of attending the public hearings. He worked extremely hard to make sure that we listened to the voices of those who came to speak to the legislation, those who indicated they had some desire to see some amendments made to strengthen the bill during committee. He did attempt to reflect what he had heard when people were here, and he did introduce some amendments.

I'm very sorry to say that in this instance, the amendments that were introduced by our critic for community safety and correctional services, Garfield Dunlop, were rejected by the Liberals. I say I'm sorry because not just on this bill, but I know on bills that have gone through other committees, certainly bills that I had the privilege of being part of, when we introduced our amendments as well, they were flatly rejected by the Liberals. I think it's really regrettable, because I thought the reason for sending bills to committee was to hear from individuals who were making representation, wanting to strengthen the bill or make the bill better, or who had some insight into the bill which maybe those who had drafted the bill originally would not have considered.

1710

However, it seems that people are simply going through the motions. “We're going to have public hearings”—yes, that's great. “You come and make your presentation”—yes, that's great. “We'll ask you a few questions.” However, when we start to debate any bill, including this Bill 110, the government seems to be totally reluctant and flatly rejects any proposals to strengthen or improve that bill. I've been here since 1990, and I just cannot believe that people who have come in front of committees since this government was elected in the fall of 2003 wouldn't have some ideas that could be incorporated into legislation. Regrettably, Mr.

Garfield Dunlop's amendments, which reflected what he had heard from stakeholders, were not accepted by the Liberal government.

I'm going out to participate in public hearings on Bill 144. This is a bill which deals with labour relations. It actually takes away and strips workers of their right to a secret-ballot vote. It allows for automatic certification in the construction sector if the sector can get 55% of signed cards. Also, it removes the opportunity for employees to get government-approved information in their workplace as to how they could get rid of the union if they so wanted. I hope we're not going to have these three days of hearings—two days here in Toronto and one day in Kitchener-Waterloo on April 29—simply to go through the motions again of listening to the people and, at the end of the day, introducing amendments that those who are making presentations feel will strengthen or improve the bill, only to have those flatly rejected by the Liberal government one more time. However, that's what we have seen here.

I just want to read the press release that my colleague, the PC critic for community safety and correctional services, Garfield Dunlop, put out on March 9, 2005. He indicates that he proposed four amendments to Bill 110 to strengthen and improve the bill. These amendments to strengthen the legislation would have included “the mandatory reporting of knife injuries that are obviously not self-inflicted.” He goes on to say, “Without these amendments, Bill 110”—currently—“only requires the disclosure of information to police about persons being treated for gunshot wounds,” but of course not knife injuries or wounds.

He then goes on to state what I think many people know today. He says, “The knife has become the weapon of choice for many criminals for many reasons, including the fact that knives are easier to acquire than guns.” Then he goes on to say, “Now's the time to avoid giving criminals a loophole in this legislation.” He continues by saying in this press release of March 9 of this year that “When a bill goes to committee, it is expected that the bill will come out as a stronger piece of legislation.” But then he says, “I'm disappointed that the Liberals opted instead to play politics with this bill, refusing to support amendments that weren't their idea.”

Then he says, “In reality, this is just another law-and-order letdown from a government that clearly doesn't consider community safety a priority.”

He concludes by saying, “As community safety critic, I fully support providing police with the tools they need to do their job effectively.”

I know that Mr. Dunlop, the PC critic for community safety and correctional services, certainly is a very sincere individual. He represents the people up in Simcoe North. He was simply trying to reflect the opinions and viewpoints of the people who appeared before the committee. He really did feel it was the appropriate time to add this fact, that those who had been injured through knife wounds should also be reported at this time. I know how disappointed he was that that did not happen.

I guess one of the areas where we as a party have been extremely disappointed is the fact that this Liberal government has not yet lived up to their very highly publicized promise to put 1,000 new police officers on the street. I know that's something that police throughout the province of Ontario are looking for. They want to make sure that they do everything they can to protect the public from criminals.

I've got here some more of the motions that Mr. Dunlop introduced. I think it's important to take a look at some of the comments that Mr. Dunlop made. As I say, he's very sincere and works very hard in his role as critic. He really is very disappointed that there wasn't support for the reporting of knife injuries. In fact, he says—and he made this statement in the House—that about 85% of the injuries that come forward are not as a result of gunshot wounds but the result of knife injuries. You now have a situation in the province where, if somebody has a knife wound and they come into a hospital with five or six or seven stab wounds, obviously not normally self-inflicted, there is absolutely no way that the hospitals would have to report that. Of course, that has caused some concern when you realize the number of injuries in this province at the present time that are inflicted not through guns but through knives. I think that figure is probably a shock to many people. It means that 85% of the injuries that are coming forward, and people travelling to hospitals to have treated, go totally unreported. This bill did provide an opportunity to deal with that particular issue. I think many people find it difficult to comprehend that if you're going to report gunshot wounds, which are only part of the violence in the province, why would you not also report the knife injuries as well? However, that doesn't happen.

As I say, this piece of legislation is one that has been called for by Bob Runciman. Certainly the police community has called for this type of legislation. It's also supported by the Ontario Medical Association. I don't think there's anybody who doesn't support the bill. The only question that remains is, why, when you are trying to deal with the issue of public safety and protection of the community, would you not also take a look at the inclusion of violence caused by knife injuries? That certainly is an omission here within this legislation.

1720

I have here the position of the OMA section on emergency medicine. They do, of course, support this bill. They did a bit of a survey, and it says here that 46% of the respondents indicated that they had seen one to five gunshot wounds in their career in Ontario; only 17% reported seeing more than 10 in their emergency room career; more than two thirds indicated that they had never notified police about a GSW presenting to the ER; and over half of the survey respondents indicated that they did not know whether reporting of GSWs was mandatory. Then they were asked: "Do you feel there should be mandatory reporting of GSWs (intentional or accidental) by ER physicians?" I'm pleased to say that 75.3% said yes, 20.3% said no, and those with no opinion

were 4.4%. This was regardless of whether the injury was suspected to be intentional or accidental. If I take another look here, they do report gunshot wounds in the United States, and I guess that certainly provides us with a strong basis for the support of gunshot wound reporting in this province as well.

I think it is important that this bill be passed. Although it doesn't go the entire distance to protect the public, a very good step has been taken in moving this legislation forward. It's important that those people in emergency rooms recognize that when this bill is passed they do, and will, have an obligation to do the reporting that is going to be necessary.

In conclusion, I want to again express my appreciation to the Minister of Community Safety and Correctional Services. He has been here for the debate. I know that the legislation he has introduced is going to go some distance in responding to the need to protect people in the province of Ontario, and I hope that at some further time we can progress beyond that.

The Acting Speaker (Mr. Gerry Martiniuk): Questions or comments?

Mr. Prue: To comment on the speech made by my colleague from Kitchener–Waterloo: She raised a number of points, and in the two minutes I think I can only deal with one of them, and that has to be the whole issue of knife wounds. What she has said is really quite telling, quite important.

I started to think back in my own community over the last couple of years about some of the horrific circumstances, some of the crimes that have been committed that have caused so much angst to the people of Beaches–East York, and really there were two of them. They both involved the death of young men. One was known simply as Jonathan. It was reported widely in the papers. It is an ongoing trial, so I don't want to say too much more about that, except that it involved knife wounds. There were no guns involved; it was a family dispute. The problem is that young people have an opportunity in this country to get far more access to knives, to people who have knives. Knives are readily available. You can buy them in any hunting store, in any hardware store. You don't have to have any kind of licence to have them. They're used for a broad range of household uses. They are simply available.

I think about the other crime that involved the stabbing of a young person outside of East York Collegiate that is still very much in the news, and the trial is ongoing. But I don't have to say anything more than that these two horrific crimes in my neighbourhood were not the results of guns but of knives. It seems to me that the legislation should be broadened to include the mandatory reporting of knives, because if these two were so much in the news, there have to be hundreds of others in which a knife was brandished, in which a knife caused a wound, in which case they should have been reported as well.

Mrs. Donna H. Cansfield (Etobicoke Centre): I'm pleased to stand in support of Bill 110, the Mandatory Gunshot Wounds Reporting Act, 2005. It's fascinating to

listen to everyone just assume that all gunshot wounds are the result of violent crime. In fact, they're not. Of the 196 cases that were reported in 2002-03, only 96 were the result of something involving violent crime; 69 were accidental and 31 were self-inflicted. There have to be other issues at play here, so it also opens up the opportunity to deal with such things. If in fact there is an accidental gunshot, it may have been from a hunter. It may be an opportunity to deal with issues around education. So it's not always just the thing about violent crime.

There's no question that we have an issue of crime to deal with in our community, but statistically, in the city of Toronto violent crime has actually gone down. It's not up. One of our challenges is that we keep reporting it as being up, and unfortunately I think it gives the wrong impressions to the community. Of course we're interested in their safety. That's part of what the minister's responsibility is. That's why we have the police services that we do. But this is talking about mandatory reporting of all gunshot wounds. I think we need to keep that in mind as we're reviewing this particular bill. It's not just restricted to the one.

It's fascinating to me when you think about the fact that 69 were accidental and 31 self-inflicted; that's almost half of them. So you have to say to yourself that there's another issue here about the use of those firearms, and maybe there's an opportunity to prevent them from being used inappropriately in another setting. How many children are killed with the accidental shooting-off of a firearm?

In the reporting of gunshot wounds, I think we should look more broadly than just at violent crime, although I do appreciate that that's an issue.

Mr. Chudleigh: This is an interesting bill in that it doesn't really contain anything that's going to change a great deal about this. A lot of injuries that are sustained through the commission of crimes or illegal activities by people are going to go unreported. That's too bad, because there's an opportunity here to catch a lot more than is being caught by this particular piece of legislation.

It's typical of this government. It's almost like the sushi bill: They bring something in but they don't put any teeth behind it. There's no penalty for not reporting in this bill. The bill doesn't even require doctors to report. It says the hospital or the medical facility, and it's extended to clinics or a doctor's office, but it doesn't insist that the doctor himself has to report the incident. It's the responsibility of someone, but it doesn't designate who that someone is, and if someone isn't designated or if it goes unreported, there is no penalty for not reporting it.

It's a lot like the 1,000 new police officers that are in limbo right now. On October 21, 2004, it was announced with great fanfare that there were going to be 1,000 new police officers in the streets of Ontario and they were going to be fighting crime, targeting marijuana grow-op houses and Internet luring, two topics that are hot in the public's mind. But do we see 1,000 new police officers being funded in the province of Ontario? No. The minis-

ter said today, and I'm sure he did so in good faith, that before the end of this term, funding will begin. Well, maybe the announcement should wait until the funding is in place.

1730

Mr. Lorenzo Berardinetti (Scarborough Southwest): I want to make a few remarks to respond to the speech by my colleague from Kitchener-Waterloo. Earlier, this morning, we debated a bill I brought forward to deal with gender-based pricing discrimination. She spoke to the bill and so did some of the other members of her party. The gist that came forward was that we had better things to do than to waste our time in the Legislature talking about gender-based pricing. I'm not quoting her, but this is what some of the members from the Conservative Party were saying at that time.

I'm going to throw that same logic back at the opposition right now. What we're dealing with here are gunshot wounds. When someone is shot and brought to the hospital, the police need to know about it. To start drawing in examples of knives and reporting knife incidents, we're starting to grasp at straws. We've got more important things to talk about than knives. Guns are a serious matter. Guns should be registered, controlled and dealt with in a very serious manner. When people are shot, it's a very serious matter. Just throwing back the same logic the Conservatives used on me, saying that I was bringing forward unimportant matters, I would have to say, with the greatest of respect, that trying to bring forward knives is discussing something that is unimportant to a very important bill that I support and commend the minister for bringing forward today.

The Acting Speaker (Mr. Joseph N. Tascona): In response, the Chair recognizes the member from Kitchener-Waterloo.

Mrs. Witmer: Thank you very much to those who have responded to the remarks I was able to make.

The member from Eglinton-Lawrence: I appreciate that he has unfortunately had the opportunity to observe some violent situations where knives were involved. I would agree: He pretty well said that the legislation should be broadened to include knife wounds.

I appreciate the comments of the member from Etobicoke Centre. I always appreciate her comments. I've had the opportunity to work with her over the course of many years, and she always makes a great contribution.

I want to thank my colleague from Halton for his remarks and contribution to this debate.

I also want to thank the member from Scarborough Southwest. I don't think anyone was saying this bill was not important. I think people were saying we are all probably going to support this legislation at the end of the day.

There are many important issues in Ontario that need to be discussed. We know that at the present time there are nurses being laid off in the province—about 757. We know that mental health workers are being laid off. There are many priorities—many people without family doctors—and many issues we can discuss. We know that

today there was a move to further centralize control of education and take power away from directors of education and school boards. Regrettably, there wasn't even a statement made in the House today by the minister about that issue at all. These are some of the issues.

We can support this bill, we can move forward, and there are many other important issues that we need to deal with.

The Acting Speaker: Further debate?

Mr. Prue: This is a bill that I think is somewhat more controversial than one might be hearing here in this Legislature. It is controversial not because people have fear of guns themselves, although I have to tell you that I personally have fear whenever I have seen one or been in the presence of one, even when it is strapped to a policeman's belt. It causes me unease, perhaps because I am a boy from the city and did not grow up in close proximity to them. But people have fears of guns mostly from a criminal aspect. I haven't heard too much public debate that people are worried and want the gunshot wounds investigated of a suicide victim. I haven't heard too much debate or had people call me and say they want gunshot wounds due to an accident investigated. What people really want the gunshot wounds investigated for is perceived criminal activity.

We ought not to fool ourselves that this is a bill that is going to stop people from attempting suicide by use of a gun or that accidents won't happen from time to time: people cleaning the gun in anticipation of a hunting trip or something going off accidentally, falling and discharging. Those things happen whenever someone sees fit to have a gun in their residence. That's why, certainly, I would never have one in mine. I would tell people that unless they had a very good reason, an absolutely great reason, for having firearms, they're probably far safer not to have them.

The public is concerned because they perceive, either rightly or wrongly, that the incidence and the use of violence and guns in our society is increasing. As the member from Etobicoke Centre said, the criminality and the use of violence and guns, here in our city of Toronto at least, is actually declining. That is a statistic that most of my constituents would not believe. They would not believe it if they saw the numbers, they would not believe it if I told them, they would not believe it if they listened to the debate in this Legislature, because they see the horrific crimes played out in the media. They see it in the newspapers. They see violence around them. They probably see it from American television and American news sources. They believe that these gunshots are more commonplace than they actually are.

The statistics that were cited by some members in the government are quite telling. There are about 100 gunshot wounds that are the result of violent actions, robberies or whatever, in Ontario per year. We have a very large population. I would like to contrast that with the number, and I'm going to talk about the United States later, of violent assaults using guns in that country. If you see the murder rates in some of the large American

cities—Washington, Detroit, New Orleans, some of the others—you will see that the murders by use of guns in those cities—cities, not states—are far, far larger than anything we would see here in the province.

I think we live in a fairly safe place, but that is not to say that it cannot be made safer. We believe that there are several ways we can make it safer. This has a small potential, not a large one, to make Ontario a safer place. Therefore, it needs to be debated and the provisions need to be explored. Other things need to be looked at and explored.

I don't want to go into too much debate on the federal level, but we've gone through a number of years with the gun registry applications by the federal government. If ever there was a bill in this country, I think, that was contentious, that bill was contentious. What did it intend to do? It intended that people who own a gun register it. It is pretty simple. It is opposed by many people who hunt, many people in rural areas, many people who believe they have the right to bear arms, thinking that they are somehow drawn into the American Constitution. It has been attacked hugely by civil libertarian groups, by members of the opposition, the Conservative Party, the Reform Party, and indeed by members of probably all parties, as being unworkable, unnecessary and in fact doing no good at all. This bill may, for some, cause the same consternation. I'm going to get to that in a minute, but the consternation is not from amongst so much those who own guns, but from those who are going to be required to report.

1740

We know that one of the things for this bill to be successful will be to have more police officers who are able to do the secondary investigations if and when the medical institutions, either through the doctors, the nurses, the nurse practitioners or a hospital administrator, are required to file the necessary reports with the police. It is no good turning over this information to police authorities if they do not have the wherewithal to investigate it. What needs to come, I would suggest, before this bill is proclaimed and comes into force, what is necessary, is to have adequate police in order to do the follow-up that this will no doubt engender.

I'm not sure how much time the police are going to want to take investigating attempted suicides, although I guess that is a provision of the Criminal Code that many people are probably not aware of. It is against the law to attempt to commit suicide. It's in the Criminal Code as one of the provisions. I'm not sure the police are going to want to spend a great deal of time on that, nor am I convinced they're going to want to spend a great deal of time on the other ones that are deemed to be accidental and that they are satisfied are accidental. They are going to want to spend their time on the criminality.

We get into what the police have said is necessary. They believe that what they would collect is called collateral information in a true investigation for the purpose of attempting to lay charges. I would agree that the information that starts by being given to them that

leads to criminal charges is useful information. They have to know that a crime has occurred in order that they can follow up on the crime and actually arrest and attempt to prosecute the guilty parties.

But what are we seeing that is happening in many of these gunshot-related crimes in this city and elsewhere in the province and elsewhere in Canada and certainly in our great neighbour to the south? You are seeing that people who are the victims of gunshots are refusing to co-operate with the police, refusing to co-operate with the hospitals, any investigation whatsoever to name—if they do in fact know who has shot them—the circumstances under which they were shot or to co-operate in any single way.

I am not sure how this bill is going to play out in terms of that. They won't co-operate with the police now when the information is known to the police and I'm not sure that if this investigation by the hospital is turned over to the police, they will be any more likely to co-operate.

So I am afraid that in large measure this bill is not going to do what the people of Ontario hope it is going to do. The rationale that the minister and many give for coming up with this bill in the first place—there are three rationales that I heard from the minister and those who spoke. Number one was that the police forces across Ontario are asking for this bill. Number two is that there are similar programs in the United States and certainly, if they have programs, maybe we should look at having programs as well. Number three was that the Ontario Medical Association, in a survey of its members, recommended doing precisely this. I would like to deal with those three and just see exactly where they take us.

First of all, the police want the tools, the police want to be able to get this information. I don't blame the police. The police have a very difficult job. They have to investigate crimes oftentimes with a lack of co-operation, oftentimes with a lack of information. Any information that they can get from witnesses, any information that they can get from gleaning sources, be it on the computer, the newspapers, anything else—they need to use every single resource they can to help capture the criminal element and to bring people to justice. The police believe, or were led to believe, that this bill would help them in their law enforcement.

I want to say that people in society generally, certainly in my riding of Beaches–East York, support their police and would hope that this legislation would give it to them, would give them that little leg up, but sadly, I think that is not the case with this legislation.

Certainly, there is a lack of officers. I have spoken to that, and other people have too. We need the 1,000 or so officers that this government has promised, and we need them fast. We need them trained and on the street. We need them doing their job to protect the citizens.

But this legislation has a difficulty, because it is turning over to people who are not properly trained a requirement to do some aspects of police work. Where this has been tried in the United States, there is a duty in law to report the findings to the criminal justice system,

not necessarily to the police, but special agencies set up in each of the states that monitor, keep track of and determine whether there is a requirement that this information be turned over to the police.

In fact, it is not a great tool in the United States, any more than it will be a great tool here. Sadly, I think the reason the police thought it would be at least as good a tool as in the United States is that the incidence of reporting in that country will be immeasurably higher than it is here, because here there will be no legal requirement and no penalty for failure to report. In the United States there is, and in the most successful state of all, that being the state of Massachusetts, they are all the way up to 75% of actual reporting. That means 25% of the gunshot wounds that are actually supposed to be reported are not reported. Even when there are penalties, even when there is a state agency, they are not reported. One has to go from there: Why are they not reported? They are not reported, I would suggest, because there is some considerable controversy among medical practitioners whether or not they should be reporting the information, and certainly there is a controversy in this country as well.

I heard earlier the member from Kitchener–Waterloo say that the majority of medical practitioners believe there should be reporting and are surprised there isn't, but there is also a sizable body of medical people who do not agree with this bill and do not agree it is their responsibility to report gunshot wounds.

Certainly, the Ontario Medical Association is on record as supporting the bill, but what we have not heard is other professional institutions, like the Canadian Association of Emergency Physicians that has members who deal with these wounds in hospitals, that are opposed to the bill. You have not heard that the Canadian Medical Association is opposed to the bill. I think we need to ask why they are opposed to the bill, and if the bill is passed, will it have the desired effect?

To quote some of these people very briefly, current laws and practices already protect public safety, is what some of the doctors are saying. I have here Dr. Merril A. Pauls and Jocelyn Downie who note to the Ontario Medical Association, "We recognize that some suicidal patients will pose an ongoing risk to themselves or others and that their access to guns must be addressed. However, a psychiatrist, not the police, should evaluate this risk."

Dr. Simon Kingsley of the department of emergency medicine at St. Michael's Hospital wrote the OMA after they had given their tacit approval to this bill and he protested by saying, "Physicians should never be seen by the public, rightly or wrongly, as agents of police enforcement, and we must resist all efforts to the contrary. Such paradigm shifts in the public's interpretation of the role of physicians cannot readily be revoked, and can have a significant negative connotation of the profession in the eyes of the public."

Other physicians have written that people and victims may not go to the hospital if they know they're going to be reported. I certainly can tell you, having worked 20-

some years in the immigration department, that many people who are in this country illegally or without status would be very reluctant, unless they felt their life was actually in jeopardy, to show up and be interviewed by police with a gunshot wound. I will tell you, they simply would not go.

The same Dr. Kingsley writes, "If legislated, mandatory reporting would only serve to discourage ... patients from seeking medical care, or if a patient actually did present to the emergency department, would induce intentionally inaccurate histories to disadvantaged physicians."

Dr. Dan Cass wrote back again to the OMA following their tacit approval—he's from St. Mike's—"There is a very real potential that mandatory reporting could result in patients delaying or avoiding presenting to emergency departments ... for care. In our emergency department, we frequently treat patients who, for one reason or another, are reluctant to be involved with police. Our job is to provide an environment where patients feel safe to seek care. In short, we are doctors and nurses, not police officers."

There are two ways in which this legislation could come into effect; one is if, by general agreement, the public accepts the bill and is willing to take the necessary actions. Where people are in accord with the law, you will generally find that most citizens will obey the law, will trumpet the law, will act within the law, will enforce the law all by themselves.

There is a second aspect to law, though, where people are not quite so happy to be part of the law, to work within the law. That is, there must be an enforcement provision where people are not willing to be complicit without some kind of enforcement mechanism. This bill does not have that enforcement mechanism. There is no penalty for doctors who would say, as these doctors have

said to their own Ontario Medical Association, that they are reluctant to carry out the provisions that have been put forward in the reporting of gunshot wounds. There is nothing in the bill that would require them to do so.

Long ago, the Americans—if we are going to model our bill on theirs—discovered, especially in the case of Massachusetts, that in fact until they did have mandatory reporting and penalties for doing it, the Massachusetts law, as it existed prior to the one which is being quoted so often now around Ontario, had required physicians to report stabbings and shootings to police for decades. But compliance under the former law in that state was very poor, according to officials. It only improved when the Massachusetts department of public health established the weapon-related injury surveillance system which is in effect today. Even after they established that, as I said earlier, it went all the way up to 75%.

If this legislation is intended to assuage the fears of people in this province and is seen to do something about crime, it in reality is not doing that. There is very little in this legislation that is going to stop attempted suicides, in my view, or will negate the number of accidents caused by having guns in a house. The reality is that it does not sufficiently help the public health strategy to work with our public health officers. I am afraid it is going to be—until it is revised substantially—doomed to the same kind of failure that we saw in the early attempts in the United States. I would ask the minister to bear all of this in mind, and when and if this goes out to committee, to take some very real looks at either making the law stronger or seeing some way to do the same things in a much better way.

The Acting Speaker: Thanks very much. It being close to 6 o'clock, this House stands adjourned until 1:30 p.m. next Monday.

The House adjourned at 1754.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)		Marsales, Judy (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative	Hamilton West / Hamilton-Ouest	
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		
Burlington	Jackson, Cameron (PC)	Kitchener Centre / Kitchener-Centre	Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Leeds-Grenville	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	London North Centre / London-Centre-Nord	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London-Fanshawe	Ramal, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	Markham	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre	Cansfield, Donna H. (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	Baird, John R. (PC)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craiton, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Smith, Monique M. (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Northumberland	Rinaldi, Lou (L)
Halton	Chudleigh, Ted (PC)	Oak Ridges	Klees, Frank (PC)
Hamilton East / Hamilton-Est	Horwath, Andrea (ND)	Oakville	Flynn, Kevin Daniel (L)
		Oshawa	Ouellette, Jerry J. (PC)
		Ottawa Centre / Ottawa-Centre	Patten, Richard (L)

some years in the immigration department, that many people who are in this country illegally or without status would be very reluctant, unless they felt their life was actually in jeopardy, to show up and be interviewed by police with a gunshot wound. I will tell you, they simply would not go.

The same Dr. Kingsley writes, "If legislated, mandatory reporting would only serve to discourage ... patients from seeking medical care, or if a patient actually did present to the emergency department, would induce intentionally inaccurate histories to disadvantaged physicians."

Dr. Dan Cass wrote back again to the OMA following their tacit approval—he's from St. Mike's—"There is a very real potential that mandatory reporting could result in patients delaying or avoiding presenting to emergency departments ... for care. In our emergency department, we frequently treat patients who, for one reason or another, are reluctant to be involved with police. Our job is to provide an environment where patients feel safe to seek care. In short, we are doctors and nurses, not police officers."

There are two ways in which this legislation could come into effect; one is if, by general agreement, the public accepts the bill and is willing to take the necessary actions. Where people are in accord with the law, you will generally find that most citizens will obey the law, will trumpet the law, will act within the law, will enforce the law all by themselves.

There is a second aspect to law, though, where people are not quite so happy to be part of the law, to work within the law. That is, there must be an enforcement provision where people are not willing to be complicit without some kind of enforcement mechanism. This bill does not have that enforcement mechanism. There is no penalty for doctors who would say, as these doctors have

said to their own Ontario Medical Association, that they are reluctant to carry out the provisions that have been put forward in the reporting of gunshot wounds. There is nothing in the bill that would require them to do so.

Long ago, the Americans—if we are going to model our bill on theirs—discovered, especially in the case of Massachusetts, that in fact until they did have mandatory reporting and penalties for doing it, the Massachusetts law, as it existed prior to the one which is being quoted so often now around Ontario, had required physicians to report stabbings and shootings to police for decades. But compliance under the former law in that state was very poor, according to officials. It only improved when the Massachusetts department of public health established the weapon-related injury surveillance system which is in effect today. Even after they established that, as I said earlier, it went all the way up to 75%.

If this legislation is intended to assuage the fears of people in this province and is seen to do something about crime, it in reality is not doing that. There is very little in this legislation that is going to stop attempted suicides, in my view, or will negate the number of accidents caused by having guns in a house. The reality is that it does not sufficiently help the public health strategy to work with our public health officers. I am afraid it is going to be—until it is revised substantially—doomed to the same kind of failure that we saw in the early attempts in the United States. I would ask the minister to bear all of this in mind, and when and if this goes out to committee, to take some very real looks at either making the law stronger or seeing some way to do the same things in a much better way.

The Acting Speaker: Thanks very much. It being close to 6 o'clock, this House stands adjourned until 1:30 p.m. next Monday.

The House adjourned at 1754.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)		Marsales, Judy (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative	Hamilton West / Hamilton-Ouest	
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		
Burlington	Jackson, Cameron (PC)	Kitchener Centre / Kitchener-Centre	Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Leeds-Grenville	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	London North Centre / London-Centre-Nord	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London-Fanshawe	Rama, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	Markham	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke Centre / Etobicoke-Centre	Cansfield, Donna H. (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	Baird, John R. (PC)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craiton, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Smith, Monique M. (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Northumberland	Rinaldi, Lou (L)
Halton	Chudleigh, Ted (PC)	Oak Ridges	Klees, Frank (PC)
Hamilton East / Hamilton-Est	Horwath, Andrea (ND)	Oakville	Flynn, Kevin Daniel (L)
		Oshawa	Ouellette, Jerry J. (PC)
		Ottawa Centre / Ottawa-Centre	Patten, Richard (L)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Stoney Creek Stormont–Dundas– Charlottenburgh Sudbury	Mossop, Jennifer F. (L) Brownell, Jim (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thornhill Thunder Bay–Atikokan Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines Racco, Mario G. (L) Mauro, Bill (L) Gravelle, Michael (L)
Ottawa–Orléans Ottawa–Vanier	McNeely, Phil (L) Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles Bisson, Gilles (ND)
Oxford Parkdale–High Park	Hardeman, Ernie (PC) Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Timmins–James Bay / Timmins–Baie James Toronto Centre–Rosedale / Toronto–Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée Churley, Marilyn (ND) Marchese, Rosario (ND)
Parry Sound–Muskoka Perth–Middlesex Peterborough Pickering–Ajax–Uxbridge Prince Edward–Hastings Renfrew–Nipissing–Pembroke Sarnia–Lambton Sault Ste. Marie Scarborough Centre / Scarborough–Centre Scarborough East / Scarborough–Est	Miller, Norm (PC) Wilkinson, John (L) Leal, Jeff (L) Arthurs, Wayne (L) Parsons, Ernie (L) Yakubski, John (PC) Di Cocco, Caroline (L) Oraziotti, David (L) Duguid, Brad (L) Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités Berardinetti, Lorenzo (L)	Toronto–Danforth Trinity–Spadina Vaughan–King–Aurora Waterloo–Wellington Whitby–Ajax Willowdale Windsor West / Windsor–Ouest	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative Flaherty, Jim (PC) Zimmer, David (L) Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels Munro, Julia (PC)
Scarborough Southwest / Scarborough–Sud-Ouest Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement	Windsor–St. Clair	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce Sergio, Mario (L)
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président Dunlop, Garfield (PC)	York Centre / York–Centre	
Simcoe North / Simcoe–Nord Simcoe–Grey St. Catharines	Wilson, Jim (PC) Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	York North / York–Nord York South–Weston / York–Sud–Weston	
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique	York West / York–Ouest	

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

TABLE DES MATIÈRES

Jeudi 14 avril 2005

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2005 interdisant la discrimination des prix fondée sur le sexe, projet de loi 182, <i>M. Berardinetti</i>	
Adoptée	6264

PREMIÈRE LECTURE

Loi de 2005 sur le Jour du Khalsa, projet de loi 189, <i>M. Dhillon</i>	
Adoptée	6268

DEUXIÈME LECTURE

Loi de 2005 modifiant des lois en ce qui a trait à la régle- mentation de l'usage du tabac, projet de loi 164, <i>M. Smitherman</i>	
Adoptée	6268
Loi de 2005 sur la déclaration obligatoire des blessures par balle, projet de loi 110, <i>M. Kwinter</i>	
Débat présumé ajourné.....	6302

CONTENTS

Thursday 14 April 2005

PRIVATE MEMBERS' PUBLIC BUSINESS

Gender-Based Price Discrimination

Prohibition Act, 2005, Bill 182,

Mr. Berardinetti

Mr. Berardinetti 6249, 6256

Mrs. Witmer 6250

Mr. Barrett 6251

Mrs. Mitchell 6252

Mr. Hudak 6252

Ms. Churley 6253

Mr. Ramal 6254

Mr. Kormos 6255

Ms. Wynne 6255

Agreed to 6264

Karla Homolka

Mr. Runciman 6257, 6264

Mr. Kormos 6258

Mr. Zimmer 6260

Mr. Barrett 6260

Mr. Craitor 6261

Mr. Hardeman 6261

Ms. Mossop 6262

Mr. Jackson 6262

Mr. Bradley 6263

Agreed to 6265

MEMBERS' STATEMENTS

Volunteers

Mr. Jackson 6265

Armenian genocide

Mr. Duguid 6265

Rural Ontario

Mr. Barrett 6265

Vaisakhi

Mr. Prue 6266

Hospital funding

Mr. Lalonde 6266

Mr. Racco 6266

Region of Peel

Mr. Hudak 6266

Immigrants

Mr. Berardinetti 6267

Health care

Mr. Gravelle 6267

FIRST READINGS

Khalsa Day Act, 2005, Bill 189,

Mr. Dhillon

Agreed to 6268

Mr. Dhillon 6268

MOTIONS

Private members' public business

Mr. Duncan 6268

Agreed to 6268

ORAL QUESTIONS

Public safety

Mr. Runciman 6268

Mr. Bryant 6268

Hospital funding

Mrs. Witmer 6269

Mr. Smitherman 6269

Public sector restructuring

Mr. Hampton 6270

Mr. Phillips 6270

Mr. Smitherman 6271

Mrs. Meilleur 6272

Cormorant population

Mr. Runciman 6272

Mr. Ramsay 6272

Autism treatment

Mr. Prue 6272

Mrs. Bountrogianni 6273, 6274

Ms. Martel 6274

Mr. Kennedy 6275

Health care

Ms. Wynne 6273

Mr. Smitherman 6273

Teachers' collective bargaining

Mr. Klees 6274

Mr. Phillips 6274

Mr. Parsons 6275

Mr. Kennedy 6275

Regulation of paralegals

Mr. Tascona 6275

Mr. Bryant 6276

Ambulance services

Mr. Hampton 6276

Mr. Smitherman 6276

Skills training

Mr. Ruprecht 6277

Mrs. Chambers 6277

Trucking industry

Mr. Wilson 6277

Mr. Takhar 6277

PETITIONS

Regional centres for the developmentally disabled

Mr. Dunlop... 6278, 6279, 6280, 6281

Ms. Martel 6278

Mr. Hoy 6280

Anti-scalding device

Mr. Leal 6278

Anti-smoking legislation

Mr. Wilson 6278

Sharia law

Mrs. Sandals 6279

GO Transit tunnel

Mr. Ruprecht 6279

Chiropractic services

Mr. Martiniuk 6279

Anaphylactic shock

Mr. Delaney 6280

Birth certificates

Mr. Martiniuk 6280

Post-secondary education

Mrs. Sandals 6281

SECOND READINGS

Tobacco Control Statute Law

Amendment Act, 2005,

Bill 164, *Mr. Smitherman*

Agreed to 6268

Mandatory Gunshot Wounds

Reporting Act, 2005, Bill 110,

Mr. Kwinter

Mrs. Sandals 6281, 6284

Ms. Martel ... 6283, 6288, 6289, 6293

Mr. McNeely 6283

Mr. Chudleigh 6284, 6299

Mr. Kwinter 6284, 6287, 6292

Mr. Jackson 6284, 6288, 6292

Mr. Prue 6287, 6292, 6295, 6298
6300

Mr. Martiniuk 6288, 6296

Mr. Leal 6292

Ms. Broten 6293, 6296

Mr. Duguid 6294

Mr. Klees 6295

Mr. Zimmer 6295

Mrs. Witmer 6296, 6299

Mrs. Cansfield 6298

Mr. Berardinetti 6299

Debate deemed adjourned 6302

OTHER BUSINESS

Visitor

Mr. Delaney 6267

Business of the House

Mr. Caplan 6281

Continued overleaf



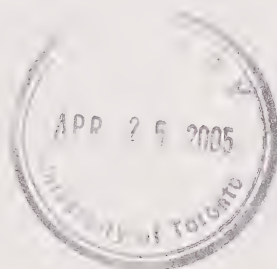
No. 130A

N° 130A

ISSN 1180-2987

Legislative Assembly
of Ontario

First Session, 38th Parliament



Assemblée législative
de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Monday 18 April 2005

Journal des débats (Hansard)

Lundi 18 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 18 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 18 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ANNUAL WALK FOR MULTIPLE SCLEROSIS

Mr. Garfield Dunlop (Simcoe North): Yesterday, Sunday, April 17, I had the privilege of participating in the fifth annual Super Cities Walk for Multiple Sclerosis. It was held at the Orillia District Collegiate and Vocational Institute in Orillia. It had approximately 300 participants and dozens and dozens of volunteers. In Orillia alone, the Super Cities Walk raised \$56,000 for MS research.

I want to put on record a couple of key points: Canadians have one of the highest rates of multiple sclerosis in the world; MS is the most common neurological disease affecting young adults in Canada; every day, three more people in Canada are diagnosed with MS; women are twice as likely as men to develop MS; MS can cause loss of balance, impaired speech, extreme fatigue, double vision and paralysis; MS was first identified and described by a French neurologist, Dr. Jean-Martin Charcot, in 1868; we don't know what causes MS, but researchers are closer to finding the answer.

What's important is that in communities across our country—I believe the goal this year was 150 communities participating, and they tried to raise approximately \$11 million for MS research.

I would just like to take this opportunity to thank those folks in my riding who participated in this walk, and all the volunteers and participants across the country who have helped find the cause of this disease.

EARTH DAY

Mr. Toby Barrett (Haldimand–Norfolk–Brant): As the 35th annual Earth Day fast approaches this Friday, April 22, it's important that we pause to recognize the true challenges we face in protecting our environment.

I was shocked to read the United Nations Millennium Assessment and its stark warning against continuing in our current direction of using up our natural resources at such an alarming rate. Among the findings: Global fish stocks are at a 30-year low; deforestation and loss of wetland is reducing our protection against pollution; the

majority of wildlife species are declining—a 12% decline for birds and a 25% decline for mammals; 32% of amphibians are threatened with extinction in the next 100 years.

Human activity is putting too much strain on our earth. I mention this, cognizant of the fact that, right here in the GTA-Golden Horseshoe, we're expecting another four million people to arrive in the next 30 years.

I recall my first Earth Day as an environmental science teacher in 1970. At that time, the global population was 3.7 billion; today, it's 6.5 billion. That's a lot of garbage, a lot of water pollution for an already stretched-out ecosystem.

As I look to celebrate the environment on Earth Day this Friday, I'll be planting trees. People in my riding will be cleaning up streams. We have to keep in mind the bigger picture and the challenges we face.

EDUCATION IN HAMILTON AREA

Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot): I rise to share some great news about some extraordinary developments taking place with the Hamilton-Wentworth Catholic District School Board. Yesterday, I had the privilege of participating in the dedication of a new Catholic high school, appropriately named after Hamilton bishop the Most Reverend Anthony Tonnos. Located in the community of Ancaster, this is the first new Catholic high school built in Hamilton in the past 26 years. The community gathered to give thanks. It was indeed a joyful occasion.

In addition, this past Friday I had the opportunity to visit Cathedral high school in my beloved Hamilton. I learned about a new program designed to provide support to this inner-city school's significant ESL student population. With funding provided by our government under the student success program, Cathedral high school has developed an innovative program called the Canadian Language Benchmarks project. The educators involved in this project have brought together students from diverse backgrounds. In one class I met young people from 10 different countries, all being provided with full-day, intensive language classes.

The program reminded me of the good work that is also taking place at the St. Charles Centre in Hamilton. The centre runs an ESL program for adults, helping new immigrants cope with the changes they're facing.

The ingenuity and dedication demonstrated by these educators is a joy to see. They get it, and they understand that by partnering together we can continue to make a

difference for all students involved in education in Ontario.

ANNIVERSARY OF ARMENIAN GENOCIDE

Mr. Frank Klees (Oak Ridges): Yesterday afternoon, the Canadian Armenian community of Toronto commemorated the 90th anniversary of the Armenian genocide of 1915. I had the honour of representing the Ontario Progressive Conservative Party and our leader, John Tory, at the ceremony. No one could have left that gathering without being moved by the accounts of atrocities in which 1.5 million Armenians were massacred, and there can be no doubt about the historical fact of the Armenian genocide.

Elected officials from all levels of government attended the event and brought their traditional greetings. There was a welcomed acknowledgment of the House of Commons's endorsement of the Senate's motion M-380, which unequivocally recognizes the Armenian genocide as a historical fact, but there was justified disappointment and indignation that, notwithstanding the support of Canada's Senate and House of Commons, the government of Canada continues to deny the Armenian genocide.

As a member of this Legislature, I committed to take this issue beyond the annual laying of wreaths and commemorative statements. I undertook to bring a motion to the floor of this House calling on all parties to support a resolution that will call on the government of Canada to comply with the expressed will of the Senate and the Parliament of Canada. Today, I'm putting my colleagues in this Legislature on notice that I will be making that request during Wednesday's sitting. On behalf of the Armenian community in Ontario, I look forward to receiving unanimous consent from all parties in this House. It is the right thing to do.

1340

HARRY JEROME AWARDS

Mr. Michael Prue (Beaches–East York): This past weekend, not only did I go to the Armenian event, but I was also at the Harry Jerome Awards on Saturday night, when the entire community came together in Toronto to recognize the accomplishments of the African-Canadian community.

I was there on behalf of the New Democratic Party to give greetings from our party and from our leader. But I especially went to celebrate the accomplishments of a certain Mr. Kevin Modeste. Mr. Modeste might be known to some of you. He was a high school valedictorian in his town of Pickering. He has been active in the Black Business and Professional Association. He is an entrepreneur. He has helped work to bring Desmond Tutu to Toronto. He has organized past Harry Jerome Awards. He has been instrumental in their scholarship fund. He is active in his church. He is on the Urban Alliance on Race Relations.

Most importantly, Mr. Modeste is a person who toils tirelessly in my office. We are so proud of him in Beaches–East York. He is a very valued member of the team. He keeps me on the straight and narrow. He tells me especially how to work the computer: how to turn it on, how to turn it off and how to find the many details that we as parliamentarians need every day.

Congratulations, Kevin. You're doing a great job.

NORTHERN ONTARIO COMMUNITIES

Mr. Michael A. Brown (Algoma–Manitoulin): Our quality of life in the north depends on the strength of our communities. The government of Ontario is making northern communities stronger.

The government is helping to make our municipalities stronger by replacing the old, inequitable community re-investment fund with the new Ontario municipal partnership fund, targeting its funding to help small northern and rural communities pay for the costs of social services and policing. In my riding, that represented an 11% increase.

The government is helping to make our fire departments stronger by providing a special grant, \$50,000, to all small communities to help our firefighters with training and equipment.

The government is helping to strengthen our northern infrastructure by participating in the new Canada-Ontario rural municipal infrastructure program. The government of Canada and the government of Ontario have signed an agreement to each provide up to \$298 million over the next five years to improve public infrastructure.

The government is helping to strengthen the northern economy. In the past 12 months, 3,100 net new jobs have been created in northern Ontario.

The Ontario government is ensuring that the north has a strong voice at Queen's Park. Under the previous government, northern Ontario lost one third of its MPPs. The government has introduced democratic renewal legislation that will protect the number of seats in northern Ontario. A strong northern voice at Queen's Park will help build strong communities in northern Ontario.

HEALTH CARE REFORM

Ms. Kathleen O. Wynne (Don Valley West): The McGuinty government's plan to reform health care is clear and transparent. After years of Tory cuts and mismanagement, the Liberal government is taking the necessary steps to ensure that Ontarians get the health care they need when they need it. Our party is the only party that supports real innovation within our health care system that will improve the services that the people of Ontario receive.

Consolidating cataract surgeries at Kensington Health Centre, a not-for-profit downtown Toronto clinic, makes sense. It will efficiently complete thousands of cataract surgeries per year and will result in better patient outcomes.

Our government also optimized the medicare advantage and saved \$25 million by bulk purchasing seven MRI and 26 CT scanners and other machines last fiscal year for our hospitals.

Family health teams will have doctors, nurse practitioners, registered nurses and other health professionals working as a team to provide care to up to 52% more people than if doctors worked solo.

These are examples of innovation within the principles and the essence of the Canada Health Act. Why is John Tory against innovation and in favour of the unsustainable status quo? Or does he, like Mike Harris and Preston Manning, believe that innovation can only occur outside the Canada Health Act? What is Mr. Tory's hidden agenda on health care?

ELEMENTARY SCHOOL TEACHERS' AGREEMENT

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): Last week saw the first results of the ongoing provincial dialogue between the McGuinty government, teachers' federations and school boards in Ontario. This agreement, the first of its kind in Ontario, will lead to peace and stability in elementary schools for the next four years.

The hard work of the Elementary Teachers' Federation of Ontario and the Ontario Public School Boards' Association to conclude this agreement will mean that teachers, students and parents will no longer have to endure the years of conflict that characterized education under the Conservative government. Elementary school teachers will have additional time to prepare materials for class, correct assignments, and connect with teachers and parents.

Sandra Emery, who is the president of the Hamilton-Wentworth local of the elementary teachers' federation, said, "I think they will see this agreement as giving them the prep time that they need, ultimately. We also fully expect that this will translate into additional staff in the schools—for instance, specialist teachers—and a general improvement in working conditions." Teachers will now be able to focus on teaching students and not have to worry about labour unrest in their profession.

I am pleased that Minister Kennedy has worked so hard to help educators and school boards reach this understanding, and I know he will continue the provincial dialogue with the Ontario Secondary School Teachers' Federation and the Ontario English Catholic Teachers' Federation to further the collaboration between school boards and teachers.

FAMILY HEALTH TEAMS

Mr. Bruce Crozier (Essex): The McGuinty government's plan to reform health care is clear and transparent. After years of Tory cuts, the McGuinty government is taking the necessary steps to ensure that Ontarians get the health care they need when they need it.

By establishing family health teams, we will have doctors, nurses, nurse practitioners, registered nurses and other health professionals working as a team to provide care to up to 52% more people than if doctors worked in a solo practice.

This is great news for the people of Ontario and for the people of my riding. Residents of Essex and Chatham-Kent are welcoming the announcement of family health teams in Chatham, Harrow, Leamington and Tilbury. People have great things to say about this announcement. Brian Gray, for example, chair of the Harrow committee, was quoted in the Windsor Star as saying that he "can't find words to describe how big it is. It's absolutely amazing. We were in a health care crisis. This is the next evolution in family doctors."

We've exceeded our goal with the first 52 family health teams and three networks of teams, and we're on track to create 150 more over the next three years that will help more than 2.5 million Ontarians. We will continue to work with local communities to expand access to comprehensive primary care for all Ontarians. We're committed to providing all Ontarians with the high-quality care they need where they need it, when they need it.

MOTIONS

COMMITTEE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Mr. Speaker, I believe we have unanimous consent to move a motion without notice regarding the standing committee on social policy.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent, as requested by the House leader? Agreed.

Hon. Mr. Duncan: I move that, notwithstanding the order of the House dated June 17, 2004, the standing committee on social policy may meet on Friday, April 29, 2005, for the purpose of considering government business.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

Hon. Mr. Duncan: I believe we have unanimous consent to move a motion without notice regarding the standing committee on finance and economic affairs.

The Speaker: Is it agreed? Agreed.

Hon. Mr. Duncan: I move that notwithstanding the order of the House dated June 17th, 2004, the standing committee on finance and economic affairs may meet on Friday, April 22, and Friday, April 29, 2005, for the purpose of considering Bill 164, An Act to rename and amend the Tobacco Control Act, 1994, repeal the Smoking in the Workplace Act and make complementary amendments to other Acts.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

HOUSE SITTINGS

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, April 18, 2005, for the purpose of considering government business.

The Speaker (Hon. Alvin Curling): Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those against, say "nay."

I think the ayes have it.

Call in the members. There will be a five-minute bell.

The division bells rang from 1350 to 1355.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arthurs, Wayne	Fonseca, Peter	Phillips, Gerry
Barrett, Toby	Gerretsen, John	Pupatello, Sandra
Bentley, Christopher	Gravelle, Michael	Racco, Mario G.
Berardinetti, Lorenzo	Hoy, Pat	Ramal, Khalil
Bountrogianni, Marie	Jackson, Cameron	Ramsay, David
Broten, Laurel C.	Jeffrey, Linda	Rinaldi, Lou
Brown, Michael A.	Klees, Frank	Runciman, Robert W.
Cansfield, Donna H.	Kular, Kuldip	Sergio, Mario
Caplan, David	Kwinter, Monte	Smith, Monique
Chambers, Mary Anne V.	Levac, Dave	Smitherman, George
Colle, Mike	Marsales, Judy	Sterling, Norman W.
Cordiano, Joseph	Matthews, Deborah	Takhar, Harinder S.
Crozier, Bruce	McMeekin, Ted	Tory, John
Delaney, Bob	McNeely, Phil	Van Bommel, Maria
Dhillon, Vic	Meilleur, Madeleine	Watson, Jim
Dombrowsky, Leona	Miller, Norm	Wilson, Jim
Duguid, Brad	Milloy, John	Wong, Tony C.
Duncan, Dwight	Munro, Julia	Wynne, Kathleen O.
Dunlop, Garfield	O'Toole, John	Zimmer, David
Flynn, Kevin Daniel	Peters, Steve	

The Speaker: All those against, please rise one at a time and be recognized by the clerk.

Nays

Bisson, Gilles	Kormos, Peter	Ouellette, Jerry J.
Hardeman, Ernie	Marchese, Rosario	Prue, Michael
Horwath, Andrea	Murdoch, Bill	

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 59; the nays are 8.

The Speaker: I declare the motion carried.

STATEMENTS BY THE MINISTRY
AND RESPONSES

FAMILY HEALTH TEAMS

ÉQUIPES DE SANTÉ FAMILIALE

Hon. George Smitherman (Minister of Health and Long-Term Care): It is with very great pride that I rise in the House today to speak about what I consider to be a great step forward in health care in this province. Last Friday in Brighton, Premier McGuinty and I announced

the creation of 52 family health teams and three bigger family health team networks in communities across Ontario. That is 55 in total, exceeding our initial commitment to create 45 family health teams this spring, and is just a down payment on the 150 we will have created in communities across Ontario by 2007-08.

You know, when we drove into Brighton there was a sign proclaiming that the town motto is, "Where the past greets the future." I thought that was wonderfully appropriate, because in Brighton and in other communities across Ontario the past is indeed greeting the future. We have launched the future of medicare in the form of our family health teams, multi-disciplinary teams of nurses, doctors, nurse practitioners, pharmacists and other health care professionals—working to provide the very best kind of integrated, patient-centred care; a continuum of care, day and night.

1400

Family health teams provide after-hours and weekend coverage, and patients will also be able to call a telephone health advisory service after hours to get health advice from a registered nurse. This is precisely the model of primary care reform that experts like Roy Romanow have been calling for for years and that previous governments have tried, with only limited success, to introduce.

We are enjoying an unprecedented level of success. The 55 family health teams that we announced—and remember, this was only a first instalment—were selected from 213 applicants, representing 1,300 doctors and 2,600 other health care professionals from communities that want a family health team of their own—213 applications. It seems that people understand instinctively that this is a great idea.

Our government shares a vision of health care with Ontarians. It is a vision of a system that helps keep people healthy, delivers good care to them when they need it and that will be there for generations to come. Our plan to make that vision a reality operates on three fronts: healthier Ontarians, reduced wait times and better access to doctors and nurses. Family health teams are going to help us deliver on all three.

We're going to have healthier Ontarians because family health teams will stress health promotion and disease prevention, because these are just as important as treating minor ailments and managing serious chronic disease in the overall health care scheme of things. It is health care as opposed to illness care, and it saves lives as well as precious health care dollars.

We're going to reduce wait times by providing comprehensive care closer to home, thereby reducing the need for emergency room visits. They will ease the strain on our hospitals, allowing them to deliver the acute care they were designed to deliver, only faster.

Above all else, family health teams will improve access to doctors. This is of particular importance given the current shortage of doctors in this province, a shortage over which both previous governments presided and to which they have both contributed.

I know my friends opposite will be interested to hear that 35 of the family health teams we are announcing are going into communities that are underserved in terms of family doctors. That means that thousands of Ontarians, so-called orphan patients, who previously did not have access to a family physician, now will. They will have access to a doctor, a nurse, a nurse practitioner—to a whole team of health care professionals. In the coming months, we're going to carefully track the number of orphan patients that our family health teams take in, and we will report back to Ontarians so that the full value of health teams will be known to all.

We've scattered this first batch of family health teams across a wide and diverse number of communities in this province: from rural FHTs like the one in Dryden, to Seaton House in downtown Toronto, which will specialize in providing services to the homeless, to the family health teams at teaching facilities like McMaster and Mount Sinai, where young professionals will be exposed as early as possible to the family health team model.

This is a model that is attractive to doctors and other health care professionals because it allows them to share the workload, have greater flexibility and balance their work and home lives. It leverages the benefits that doctors can provide like no other model. A doctor working in a team model can care for 52% more patients than a doctor working in a solo practice precisely because he or she is supported by and working together in a circle of care with a dedicated team of health professionals. Not only are patients getting better care; more of them are getting it.

This first batch of family health teams will provide care to more than a million Ontarians. In 2008, the 150 family health teams we will have built will be serving an estimated 2.5 million Ontarians.

As I said at the outset, family health teams represent the future of health care. They are that rare example of an idea that is almost universally seen to be great. Patients, providers, political leaders and academic experts all agree: Family health teams are a huge step on the road that is taking Ontario to a better health care system, a system that helps keep people healthy, delivers good care to them when they need it, and will be there for generations to come.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Cameron Jackson (Burlington): I want to thank the honourable member for his statement in the House today. Like many of us, we had an opportunity to read his press release and package of materials last Friday when he made the announcement. Today in the House, several members have referred to their plan as "clear and transparent." Based on the number of additional announcements we are getting from the minister, I would like to add that it's not only "clear and transparent," in his words, but also repetitive.

The member opposite will know that every member of this Legislature supports the principle of family health networks, which is something the previous government

began—the first government in Canada. I remember as if it was yesterday when a certain Dr. Neil McLeod, being one of the first teams in the province, in Thunder Bay, heralded this wonderful model and its success in our province. Of course, Dr. Neil McLeod is no stranger to the members of the Liberal government; he was Lyn McLeod's husband. So we know that the model works, and we know it requires a commitment.

Many of us in Ontario are asking, why, after receiving \$2.4 billion of an illegal health tax, is the agenda moving as slowly as it is with this government? The first decision you made was to delist physiotherapy, chiropractic services and ophthalmology services; you know that your ministry is discussing cuts to the Ontario drug benefit plan with reference-based pricing, and seniors' groups have expressed concerns with that move; the hospital funding—these are not necessarily cuts, but the limited amount of additional resources has amounted to unprecedented high deficits. We know that your plans to date have cut nurses in this province by 757. You have been dismantling district health councils—that wasn't done in a clear and transparent manner; in fact it was done literally under the cover of darkness, with millions of dollars put aside for severances to some of the very people who are being rehired under your local health integration networks, and we're still trying to figure out exactly what authority they will have.

Minister, believe me when I say that we are all anxious to drive the agenda of primary care reform in this province. To be fair, in May 2002, my colleague Tony Clement presided over the opening of the Dorval Medical Associates family health network in Oakville. Lo and behold, imagine our surprise when in your Friday press release you announced that your contribution was that you were going to take credit for the Dorval Medical Associates family health team. So apparently, in three years, the major change in contribution is that we are going to change their name from a network to a team. There are many of us who are concerned that much of today's and Friday's announcements is based on public relations, but there are a substantive number of questions that remain unanswered. We want to know, for example, what is the level of the funding commitment for these clinics? It was very clear in the OMA agreement, Minister, that you have recognized the challenge. Unfortunately, in your first attempt at an agreement with the OMA, you got the concept correct, but you failed in terms of providing a timely compensation package to encourage doctors to make the conversion into these family networks. In your second attempt with the doctors, the agreement has been struck, and I note that as a result of your negotiations, fee-for-service doctors will get a 14.5% increase over the life of this agreement, and those physicians operating in an HSO or in a family health network will get a 36.5% increase over the life of this agreement. Clearly, you are now finally putting financial incentives in place that were not spoken to in the first agreement.

I want to indicate a concern we on this side of the House have about the growing number of pressures on

hospitals in high-growth areas. The number of orphaned patients in this province is growing exponentially as our immigration grows and as people move. We realize now that there was not an attempt to match the hospital funding with those communities that had the highest numbers of orphaned patients. We would ask you to better manage the system, and consider in the new funding formula our hospitals who patiently wait to know what budget they will be given this year. We ask you to be sensitive to that so we can dramatically reduce the number of orphaned patients in our province.

1410

Mr. Gilles Bisson (Timmins-James Bay): I say to the Minister of Health, my dear friend, I'm underwhelmed by this announcement and I'll tell you why. It's not because of the issue of family health networks or teams, or whatever you want to call them. The idea in itself is a good one; in fact, we supported that initiative when it was first announced under the Conservative government. I'm underwhelmed because you got inside the big limo with the Premier and drive down the highway to a community in order to make this great announcement, and you said, "We made a promise in the last election and we're going to have 110 or 120"—

Mr. Lou Rinaldi (Northumberland): One hundred fifty.

Mr. Bisson: Excuse me; I stand corrected by my Liberal friend—"150 new family health teams." And what did they announce? They announced 52. But here's the problem: Over half of the ones he announced had already been created by the Tories. There was nothing new.

In Timmins, the town from which I come, a great place to live, I must say, we have a family health network that was started up under the Conservatives. In fact, in the announcement last Friday, they didn't even change the name. They didn't call it a family health team; it's still being called a family health network. So I say to the government that that's pretty underwhelming.

There's another point that really galls me as a northerner. We have friends here from across northeastern Ontario who come from underserved communities, and over half of those announced are not even in underserved-area communities. I say, great idea, but tell me how that's going to help somebody to get health services in Kapuskasing, Hearst, Kirkland Lake, Chapleau or Opatika. It's not going to do a lot.

Je dis au ministre, écoutez, si vous essayez de nous impressionner avec vos belles annonces que vous avez faites vendredi, vous avez besoin de retrousser vos manches un peu puis faire de l'ouvrage. Tout ce que vous avez fait vendredi, c'est d'annoncer—d'abord, vous n'avez pas gardé votre promesse telle que vous l'avez faite dans la dernière élection. Vous n'en avez pas créé 150; vous en avez créé seulement 52. Mais ce qui est vraiment difficile à accepter est que la moitié des équipes que vous avez annoncées vendredi passé avaient déjà été annoncées par les conservateurs quand ils étaient au gouvernement et elles ont été établies par le gouvernement

conservateur. Je dis au ministre, écoutez, il n'y a rien de nouveau.

Deuxièmement, il y a des communautés à travers le nord de la province, comme dans les parties rurales de la province, qui ont besoin de ces équipes de santé dans leur communauté pour les assister à donner des services médicaux à leurs communautés et aux citoyens qui restent là. Mais si on regarde, la majorité des réseaux qui ont été annoncés et établis sont dans des communautés qui ne sont pas sous-desservies.

On dit au gouvernement, écoutez, il n'y a rien de nouveau ici. Si vous allez faire quelque chose, on vous demande d'au moins retrousser vos manches et faire un peu d'ouvrage pour être capable de travailler à mettre en place ces équipes dans les communautés qui en ont besoin.

Again, I say this is an underwhelming opportunity for the government in this particular announcement. It's a bit of a sad day.

ORAL QUESTIONS

OBSTETRICAL CARE

Mr. John Tory (Leader of the Opposition): My question is to the Minister of Health. You promised better health care closer to home—in fact, you used those words again today—and that that would come, together with the Minister of Finance's illegal health tax; in fact, it belongs to the entire government, including the Premier. However, like all of the Liberal promises, the facts just don't back up the spin.

Could you tell us today exactly which hospitals in Ontario will be forced to cut out and cancel childbirth specialists and services as a result of your "pay more, get less" health care plan.

Hon. George Smitherman (Minister of Health and Long-Term Care): I know of only two situations in the course of our 18 months in government where the provincial government has asked to address the local issue of obstetrics. In the case of Wallaceburg, on which I spoke in the House last week, I supported the move of that program because it had a very low number of births—perhaps 50 or 60—to Chatham, nearby; 22 kilometres, I believe. I think that was the appropriate thing to do.

In the case of Halton region, that the member from Halton would be well aware of, the Georgetown hospital, the site of the William Osler Health Centre, was threatening to close their obstetrics program and transfer those volumes to the main site of William Osler. In that instance, I didn't support it.

Further to that, the government has no plan with respect to obstetrics. But I leave the member on this challenge: Do you believe, sir, as an example, that a cataract program consolidated in downtown Toronto, into a site that's easier to access for patients, is a bad thing for health care?

Mr. Tory: With respect, I'm looking forward to the day when the member opposite will have a chance to ask me questions. That'll come soon enough.

Doctors have told me over and over again that the more of these services like childbirth and other services the Liberal government orders cancelled, the less likely hospitals are to be able to retain and attract the services of these people. This is particularly true, as the minister knows, in smaller communities, where the doctor shortage, as he said himself today, is already a problem. By cancelling childbirth and other services, aren't you just making the doctor shortage worse, notwithstanding your empty promises to fix it?

Hon. Mr. Smitherman: If the honourable member had quite as much courage of his convictions about the outcome of the next election, maybe he'd agree to run in the riding where he lives, which he just conceded to me.

On the matter at hand that the honourable member raises about obstetrics programs, of course there needs to be particular sensitivity given to the needs of the more rural and remote parts of our province. At the very same time, I can't believe that the honourable member, quoting references to doctors who go unnamed—that they're giving him advice that says that a program that does not sustain a certain capacity should continue, even though all of the clinical evidence is very clear that moms and babies do better in an environment where more babies are born. We're simply operating on the advice that might be provided from the clinical community.

As I said to the honourable member in an earlier answer, there have been but two occasions where we've been involved in issues around obstetrics. Our record remains clear, I believe we've made the right decisions, and I'd be encouraged by—

The Speaker (Hon. Alvin Curling): Final supplementary.

Mr. Tory: I did misspeak myself earlier; you're quite right. I'm looking forward to the day when other members will have a chance to ask me questions, and that will come soon enough. The member opposite may well not be here at that time. It's a very good point.

Minister, when we talk about quotes, the only person whose quotes we're here discussing today is you. You were musing at a press scrum, where you seem to make a number of your announcements, about how it wasn't necessarily sensible to have obstetrics services available in hospitals that have certain volumes. You are the one who's going around talking about cutting out services and cutting out various things in health care services, while people are filling out their income tax returns and paying your government's illegal health tax.

What are the specific details of your scheme to cut out these services? Can you give us a guarantee that no other hospitals in Ontario will lose their obstetrics services under your watch?

Hon. Mr. Smitherman: It sounds interesting that the honourable member, himself the author of a commitment during his leadership campaign to reduce health care spending by \$2.4 billion, would be asking the government which, on behalf of Ontarians, has made this sig-

nificant investment in health care this year. All across the breadth of the province of Ontario we see the benefits of a \$3-billion investment in health care in fiscal 2004-05. Contrast that to the circumstances that would be current if the honourable member were bringing forward his \$2.4-billion cut to health care. What would we have? A flashback to 1995-97.

I would just encourage the honourable member, if he wants to know how his plan is going to work, to talk to his former health minister, who sits in the second row. Do you want to talk about hospitals? How about a \$557-million cut to hospitals? That's what your party brought in the last time the people of Ontario gave you power and that's why they're not doing it again any time soon.

HEALTH PREMIUMS

Mr. John Tory (Leader of the Opposition): This minister who lives in the past continues to talk about the past and totally shirks, in the process, his responsibilities in the present.

I'll tell you one thing—

Interjection.

The Speaker (Hon. Alvin Curling): Minister, come to order, please.

Mr. Tory: I'll tell you one thing. While the minister is mired in the past and can't talk about the present at all, there are a lot of people who are very focused on the present as they fill out their income tax returns for this year and are paying your Liberal government's, Mr. McGuinty's, illegal health tax. Even some of the lowest-income people in Ontario, as they fill out their income tax returns, are paying your health tax. How do you explain to someone who is paying that tax and filling out that form this week that the physiotherapy they received for their injury or disability when they were 18, the day before their birthday, and the day after, when they turn 19, they no longer receive that coverage from you? How do you explain that to them?

Hon. George Smitherman (Minister of Health and Long-Term Care): All across the province of Ontario, as Ontarians sit down to do their taxes, they'll recognize that important public services need important public support. The reality of the honourable member's questioning is that it's all built on this false foundation, because he is the architect of a commitment to cut \$2.4 billion from health care. I'm quite sure, for many Ontarians, seized and aware as they are of your commitment to cut health care spending by \$2.4 billion, that they'll have these very pointed questions for you.

1420

From our standpoint, we have communities all across the province of Ontario—in Harrow, in Tilbury; where I was, in Brighton—where in some cases people were brought to tears at the enthusiasm they had for finally seeing reform to primary care which involves doctors and nurses and nurse practitioners: a total \$600-million investment in primary care in the province of Ontario on top of the work that we've done to enhance home care

and a multitude of others areas. Ontarians recognize that we're fulfilling our commitments to improve the quality of public services, and within the mandate of medicare.

Mr. Tory: The people of Ontario know two things: They know I've made no such commitment whatsoever, and they know for sure that with the McGuinty Liberal government, they are paying more and getting less.

Some of the very same people filling out their income tax returns and paying hundreds of dollars more in taxes for the pay-more, get-less system are in waiting lines that aren't growing any shorter. The Premier couldn't tell me last week where the starting points of those waiting lists were. He said that he had commissioned a study. I attended the radiologists' convention this weekend, and they said that they had available detailed wait times from across the province coming from front-line people who know what they're doing. Why don't you just stop spending money on the study, stop wasting time on the study, get those numbers, tell everybody where you're starting, and then get to work getting the wait-lists down?

Hon. Mr. Smitherman: In addition to the fact that we've already invested \$107 million exactly to get wait times down, with investments in cataract surgery, cardiac surgery, cancer surgery, more hips and knees and a 20% increase to MRIs and CTs, this honourable member just proposed that stakeholders write up the research on behalf of the people of the province of Ontario. Instead, we went to ICES, the Institute for Clinical Evaluative Studies, a renowned group of scientists who can help to establish these things with complete independence and objectivity.

The honourable member stands in his place today and suggests that it's inappropriate to use ICES for this work. This is ludicrous and speaks to that honourable member and his commitment to the status quo that stems from being so sucked in to having to support the agenda of that party that he sits with, which for eight and a half years in this province brought turmoil and tragedy to community after community after community.

We will move forward and—

The Speaker: Thank you. Final supplementary.

Mr. Tory: The only person who's been sucked in around here is the Minister of Health, who has been sucked in by his own rhetoric. He's actually beginning to believe it. He thinks that the louder he says it, the more likely it is to be true.

The people are just seeing the big cheques they have to write in taxes to your government and no results. Let's just review it. The hard-working taxpayers who are filling out their income tax returns and paying you hundreds of dollars in extra taxes are seeing eye exams cancelled, chiropractors cut off, physiotherapists cut off, childbirth services shut down, \$170 million in hospital cuts approved by you, 757 nurses fired, and signalled cuts to the drug benefit program. Is that the value for money you're offering because of your illegal health tax? Is that what you're giving people in this province?

Hon. Mr. Smitherman: What we're offering is a very, very strong contrast to the role that your party played as they wreaked havoc on health care for eight

and a half years. As part of that Tory legacy, you're doing a fine job of preserving it. In your short time here, you have come to represent, on health issues, John Tory, SQ, for status quo. You are so committed to all the things that they did and so unwilling to branch out on any innovation that you have quickly come to be summarized this way: John Tory, SQ.

We have made a \$3-billion investment in health care; \$1.7 billion in total for hospitals since we arrived here. That stands in sharp contrast to the work of your health critic there, your former health minister, who in two fiscal years cut \$557 million from Ontario hospitals. That, sir, is the legacy that you have embraced.

PUBLIC SERVICES

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier. During the last election, Dalton McGuinty promised to invest two cents a litre of the provincial gas tax in public transit. So far into your second year of government, municipalities still haven't received the two cents a litre of the provincial gas tax. In the federal election, Paul Martin promised to invest five cents a litre of the federal gas tax for municipal transit. Promptly after the election, he broke that promise. Today, Jack Layton and I called upon Prime Minister Martin to keep that promise. My question for you is, with a budget forthcoming, are you going to keep the McGuinty government's promise and fulfill the two cents a litre of provincial gas tax?

Hon. George Smitherman (Minister of Health and Long-Term Care): The Minister of Transportation.

Hon. Harinder S. Takhar (Minister of Transportation): The fact is that this is good news, and I think the leader of the third party can't accept the good news for the municipalities. This is funding that the municipalities never had until our government decided to give it to the municipalities. I also want to tell you that municipalities are putting this money to good use. We are increasing ridership and buying more buses, and this is helping all the municipalities across Ontario.

Mr. Hampton: I take it that municipalities are supposed to be happy that neither the McGuinty government nor the Martin government have kept their promises on the gas tax.

I want to ask you about another promise. Prime Minister Martin promised a national child care program in the last election. I think it's about the fourth time it was promised. Here we are a year later, with no national child care program. The McGuinty government, not to be outdone, promised \$300 million of new provincial investment in child care. Here we are into the second year of your government and no investment of \$300 million of provincial money in child care. We call upon Paul Martin to keep his promise, but my question to the Acting Premier is, in this, your second budget, will you keep your promise and put \$300 million of new provincial money into the child care program, like you promised?

Hon. Mr. Takhar: The Minister of Children and Youth Services will answer this question.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I want to tell the honourable member, in case he hasn't noticed, Best Start has already started. We've created over 4,000 new subsidized spaces. The truth is, as valued as the money will be coming from Ottawa, the province of Ontario pays the lion's share of child care in this province and will continue to do so. We have created more than 4,000 subsidized spaces. We have developed our model and our demonstration sites in three parts of province which will guide us in the implementation of Best Start and we have also developed expert panels that will guide us on a college for early childhood education and educators, as well as curriculum in the JK and SK half-day child care programs. So we're well on our way in fulfilling our promise on Best Start.

Mr. Hampton: So far no one is seeing the national child care strategy promised by Paul Martin and we haven't seen the \$300 million of new money from the McGuinty government either.

But I want to ask now about the issue of child poverty. In 1989, Ed Broadbent, former leader of the NDP, succeeded in having a motion passed unanimously in the House of Commons to eliminate child poverty. The federal government responded with a national child benefit. This morning, Jack Layton and I called for an increase in the national child benefit to finally deal with the issue of child poverty. My question is, when will the McGuinty government stop clawing back the child benefit from the poorest families in Ontario? When will the McGuinty government keep its promise to stop clawing back \$250 million a year from the poorest children and the poorest families in Ontario?

Hon. Mrs. Bountrogianni: The Minister of Community and Social Services.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I think the member opposite is well aware of the number of things that we've done in a brief year and a half to make up for at least 10 years of the people affiliated with community and social services being treated like a punching bag in this province. After one and a half years, we have made significant progress helping people who live in poverty. We have said, very upfront, that we are not finished yet; we have much more work to do. We will continue to work every day until everyone in Ontario gets a fair shake and gets every opportunity that this province can offer them.

We hope we will continue to make the same kinds of moves as we did the moment we took office, and that was to change the policy on the national child benefit so that \$7 million this year alone has travelled right straight through to families. That's our commitment to children, and we stand by it.

1430

NORTHERN ECONOMY

Mr. Howard Hampton (Kenora-Rainy River): A new question to the Acting Premier. I guess the poorest

children and families in Ontario should be happy that the McGuinty government's only keeping 97% of the national child benefit, that you're giving them 3%. But my question now is about the northern economy.

Since the McGuinty government came to power, the northern economy has been in real trouble. Your own economic statement last December showed a net loss of 6,000 jobs in northern Ontario, and your policy of constantly raising electricity rates is killing more jobs. You're making things worse across the north.

Today, there are workers here from communities across the north to send you a message. They want to know, since you've got an investment strategy to sustain jobs in the auto sector, an investment strategy to sustain jobs in the movie and television sector and in the casino sector, where is the McGuinty government's strategy to sustain jobs in the forest sector in northern Ontario instead of killing them, as you have been?

Hon. George Smitherman (Minister of Health and Long-Term Care): The Minister of Natural Resources.

Hon. David Ramsay (Minister of Natural Resources): First of all, I'd like to correct the member's statistics when it comes to northern employment. From March 2004 to March 2005, northern Ontario gained roughly 3,100 net jobs.

This is not to say that the forest industry is not undergoing some severe restructuring right now. I know it's regrettable that some of the decisions that some companies are having to make in order to make their mills more competitive are hurting our northern towns. But I'm determined, through the minister's council, with whom I will be meeting and whose report I will be receiving this week—I'm working with them to make sure that we can build a sustained forest industry in northern Ontario.

Mr. Hampton: Workers from Chapleau, Kirkland Lake and Opasatika are so impressed with the McGuinty government's record that they came here 14 hours by bus today to demonstrate that you're killing their jobs.

But I want to ask you about the promise you made during the election. You said you were going to stand up for the north and northern jobs. You said you were going to make a difference, that you had a plan. But the perspective of people across the north is that you've abandoned them. You promised to keep hydro rates at 4.3 cents a kilowatt hour. You've raised hydro rates by 34%, and that increase in hydro rates is killing more jobs in paper mills, more jobs in pulp mills and more jobs in sawmills. Bowater said to you very clearly, "Forest companies are cutting back in Ontario and increasing production somewhere else under the McGuinty government."

I say to you, Minister, where is your economic strategy for forest industry communities in northern Ontario, the one you boasted about before the election?

Hon. Mr. Ramsay: In regard to the mention of the pulp and paper operation in Thunder Bay by Bowater, the Premier is meeting with the CEO and chairman of Bowater in Washington today. We spoke earlier about their particular challenges.

We have a plan. It's the northern prosperity plan. My colleague Rick Bartolucci, the member from Sudbury and Minister of Northern Development and Mines, has brought forward some extensive changes to our northern heritage fund, which now addresses private sector job creation for the first time in 15 years. It was the previous government that cancelled all of those programs. We have brought those back with the original intent that René Fontaine, who authored that plan, brought forward in the late 1980s under the David Peterson government. We are bringing that plan forward now, and the people of the north are responding to that. I believe that with that plan we are going to start to build the sustainable jobs the member is looking for.

Mr. Hampton: Here's the reality: Electricity rates are up by 34%; 6,000 jobs have been lost; Bowater in Thunder Bay is one of those companies talking about shedding more jobs, as is Abitibi, as is Neenah Paper, as in St. Marys; and the list goes on. Your so-called northern prosperity plan is really a northern disparity plan.

I say again, you boast that you've got an economic strategy for the auto sector to sustain jobs, you boast that you've got an economic strategy for the movie and television industry in Toronto to sustain jobs and that you've got an economic strategy to sustain jobs in the casino sector. What these workers, who came 14 hours by bus, want to know from you as you close their sawmills is, where is your economic strategy? Where is the McGuinty government's economic strategy to sustain jobs in the forest sector? Raising hydro rates and doing backroom deals with the large sawmill companies isn't sustaining jobs; it's killing jobs everywhere across the north. Where is your economic strategy?

Hon. Mr. Ramsay: I want to assure the member that the McGuinty government considers forestry a top priority. In fact, as the member knows, it's the second-largest export product of this province. It's very important to all the province, north and south, where we have jobs in almost equal proportions.

I would say to the member again that I am working with the council. They are bringing in their final recommendations this week, and I will be working with them on such a strategy.

ELEMENTARY SCHOOL TEACHERS' AGREEMENT

Mr. Frank Klees (Oak Ridges): My question is to the Minister of Education. Last week you committed your government to a multi-billion dollar peace bond with Ontario's teachers. Although you deny it, and the Chair of Management Board seemed not to have an answer either on the total cost of that plan, we know that the salary grid component of that, when applied to all the panels, accounts for some \$2.68 billion of additional spending by your government.

Minister, can you confirm for us today—I would like you to be on record today—that the deal you announced yesterday will not in any way—not to the extent of one

dollar—encroach on special needs or on the capital budget you have already announced in your education plans?

Hon. Gerard Kennedy (Minister of Education): The critic has shown that his math is as faulty as his logic when it comes to education. The figure he mentioned is nowhere near the cost that is involved. We offered him a briefing. He is welcome to have one, if he would like to do his homework. Come in and see what the actual costs are, rather than throw numbers around. He obviously doesn't appreciate the teachers of this province. His government's record shows that.

We have an arrangement that is about 2.5%, which is good for teachers and good for students but also brings around specialty teachers. We've provided those numbers publicly. I think that number is good, in the interests of education. Again, we would be very happy to assure the member opposite, and this House, that this government is prepared with a fiscal plan to support good investments for better student performance. That's exactly what we're going to get from having the specialty teachers in place and from having the lower class sizes that we promised to do before. This fiscal plan is going to be met within the confines of the cost of the arrangement with the elementary teachers, as we said earlier.

Mr. Klees: My question to the minister was very direct. I asked a specific question; that is, could he stand in this place today and guarantee that not one dollar of the deal he announced will be taken away from the special-needs budget already committed to schools in this province and that not one dollar will be taken away from the capital budget already committed to? It's a very, very simple question. I would ask, on behalf of every member of the Legislature, of school boards and of teachers, who all have a vested interest in this, that the minister simply answer that very simple question.

Hon. Mr. Kennedy: I try to ignore some of the more off-putting parts of how the member puts his questions.

Let me say what should be obvious: The answer is yes. This government has made commitments to kids with special needs that that government would never do for six or seven years: "Let them go without." He sat in a cabinet that year over year made the schools in this province fill in paperwork and then ignored the kids. We made a commitment of \$100 million, and more than that, we've delivered it. It's in the schools now helping kids.

1440

I would say as well that after their letting the schools of this province crumble, we have provided \$4 billion toward that. Every dime of that will be delivered. More repairs will be done in Ontario schools in the next 18 months than were done in the last 10 years. That will happen, and so will the other things that are necessary to be done for students.

I think the students of this province are seeing every day that they're very pleased that we're here and you're there.

The Speaker (Hon. Alvin Curling): New question; the member for Timmins-James Bay.

Mr. Gilles Bisson (Timmins–James Bay): That was a pretty arrogant answer, I thought.

TIMBER MANAGEMENT

Mr. Gilles Bisson (Timmins–James Bay): My question is to the Minister of Natural Resources. You would know, Minister, that late last year, Domtar and Tembec came to you with a request that basically undid all the practices we had in northern Ontario regarding the re-allocation of timber. Specifically, they asked to take the wood from the mills in Opasatika, Chapleau and Kirkland Lake and divert it to other mills in their chain, creating supermills.

Up until that date, every government in the past, when approached with that kind of request, had gone through a public process in which the communities affected had an opportunity to be part of the discussion in order to take a look at the possibilities in terms of restarting a mill under a new owner or building a new mill with timber normally allocated to those communities. Instead, you said to Domtar and to Tembec, "Whatever you want, guys, it's yours—no public process."

I'll ask you a very specific question: Are you prepared to reverse your decision and, at the very least, open up the process to public tender so those communities can reorganize themselves under new ownership?

Hon. David Ramsay (Minister of Natural Resources): The short answer to the member's question is no.

I want to say to the member that what he's doing is confusing, first of all, the Opasatika closure with the re-organization between Kenogami and Elk Lake, Chapleau and Domtar. Opasatika, as the member knows, because of the timber licence that was granted by the previous NDP government to Spruce Falls, allowed them to ship the wood to either mill. And what happened?

Interruption.

The Speaker (Hon. Alvin Curling): Order. I ask the Sergeant-at-Arms to escort the visitor out. Let me also warn the other visitors here that they are, of course, welcome here, but not to participate in those disruptive behaviours or they will be asked to leave.

The member from Timmins–James Bay?

Mr. Bisson: Minister, I don't think there's confusion as to what is going on. It has been the practice in this province, until your time in office—when Jerry Ouellette was the Minister of Natural Resources, when Howard Hampton was the Minister of Natural Resources, and when Alan Pope, under the Conservatives, was the Minister of Natural Resources, it was always clear that there would be a public process. When companies decided to shut down a sawmill or whatever type of forestry operation, there was an opportunity for communities to participate and to look at what was possible in terms of either restarting the existing company under new ownership or starting up again.

We're asking you directly. Workers are here from your community of Kirkland Lake, from our community of Opasatika and from Mr. Brown's community of

Chapleau and are asking one question: Are you going to commit today in this House to open up a public process by which we can determine how that wood, that these companies are trying to steal from these communities, is going to be allocated?

Hon. Mr. Ramsay: The member would paint the situation that it's all negative impact to these communities.

As you know, in Kenogami, Tembec and Domtar have now announced a \$9-million investment that will give a value-added plant. Tembec said the other day that there would be further announcements consolidating future investment into that plant for another product line. In the Elk Lake Domtar mill, we're going to see an expansion of jobs there. In Chapleau, the local member, Mike Brown, and I are working with the Moose Cree to supplement the 28 jobs that were lost, to establish a cedar mill in that area that will in the end give us more jobs in Chapleau than we had in total. So Chapleau now has a large-size, very competitive sawmill and will soon have a cedar mill that will provide more jobs than were there before.

That's the type of work we need to be doing. I want to work with the member for Opasatika. We've been able to secure the mill from the company. I ask the member to work with me to get more jobs in Opasatika.

IMMIGRATION POLICY

Mr. Phil McNeely (Ottawa–Orléans): My question is for the Minister of Training, Colleges and Universities. Today, the federal government made an announcement with respect to their immigration policy, which included a component that will allow international students to work off-campus. I know that international students in Ottawa have been looking for an opportunity to work in the community while in school. I've always supported their desire to work off-campus, because I believe it is an opportunity for them to better integrate into the community, while also providing these international students with a source of income to help fund their education.

Minister, does our government support this initiative of allowing international students to work off-campus?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I'm happy to respond to the question from my colleague the member for Ottawa–Orléans. We are really very pleased that the federal government has responded to our request for off-campus work permits for international students. This is a request that my colleague who is responsible for citizenship and immigration here in Ontario, Minister Bountrogianni, and I have been working on for over a year now with the federal government. I also want to take this opportunity to thank all the student associations representing college and university students here in Ontario for working alongside us in this lobbying effort.

This announcement is good for international students who are studying here, but it's also wonderful for Ontario students, who speak of the value of the international students as part of their educational experience here. This

is in fact very good news, and I'm thrilled that international students in Ontario will now have the opportunity to work—

The Speaker (Hon. Alvin Curling): Thank you. Supplementary.

Mr. McNeely: Thank you, Minister, for the response. I too am pleased to have heard this news today. I know that international students in Ottawa will greatly benefit from this.

After reading the reports of the federal government's announcement, I know that they are also planning on reducing application processing times for permanent residents and sponsored parents and grandparents who want to be reunited with their families in Canada. This announcement of \$69 million over the next two years is good news for newcomers in my riding; however, I know that it is not enough. What Ontario immigrants need now is an immigration agreement. I know that the Minister of Citizenship and Immigration has been working on this with the federal government. Minister, I wonder if you could please explain why today's federal announcement does not go far enough and why an immigration agreement for this province is essential.

Hon. Mrs. Chambers: My colleague the Minister of Citizenship and Immigration is the appropriate person to respond to this.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): I'm encouraged that Minister Volpe has heeded the advice of my colleague the Minister of Training, Colleges and Universities with respect to international students, a very important development today. I want to thank her for her advocacy as well.

While this is good news, and the \$69 million over two years for the whole country is good news, we still don't have an immigration agreement here in Ontario. We have been negotiating in good faith with three federal immigration ministers up to this point. The majority of immigrants still come to Ontario; 75% of those come to Toronto. We need to have an immigration agreement that treats Ontario fairly. It's \$800 per immigrant for Ontario, \$3,800 for Quebec. This is simply unsustainable and unfair, and we're working in good faith to remedy that.

ANTI-SMOKING LEGISLATION

Mr. Toby Barrett (Haldimand-Norfolk-Brant): To the Minister of Economic Development and Trade: This week, finance committee hearings commence on a smoke-free Ontario. The Pub and Bar Coalition of Canada anticipates closure of an estimated 900 small businesses if Bill 164 proceeds without compromise. This number is conservative, considering more than 700 establishments across the province have applied for or have already implemented designated smoking rooms to ensure a smoke-free environment not only for their customers, but also for their employees.

Minister, do you have any idea what it costs to build a designated smoking room with a ventilation system?

Hon. Joseph Cordiano (Minister of Economic Development and Trade): It's important to recognize that when it comes to this policy in terms of banning smoking across the province, that is a priority. The health of Ontarians comes first.

In fact, when you look at the experience in a city like New York, where smoking was banned in restaurants and bars across the city, business went up for those restaurants and bars. So I think this is good policy. It's good for Ontarians right across the province, and it will be good for small business as well.

1450

Mr. Barrett: Well, Minister, there are statistics that fly in the face of what you've just said. As the minister responsible for small business in the province, you should know that it can cost anywhere from \$15,000 and upwards of \$300,000 to install one of these designated smoking rooms. I wish you and other members present would consult with professionals like Pubco. These small business operators have acted in good faith to comply with their own municipality—

Interjection.

The Speaker: Minister of Agriculture, come to order, please.

Mr. Barrett: Minister, the businesses you represent have complied in good faith with their own municipalities. Now we have the province of Ontario telling them that this investment is worthless. Can you give the hospitality industry an idea of how you are fighting on their behalf around the cabinet table and how much in dollars you are requesting your government to provide in compensation for those who have installed the rooms and those who are going to be laying people off?

Hon. Mr. Cordiano: Again, I would say to the member that the experience in other places—not only in New York City but in Ottawa—is that small businesses saw an increase in business as a result of the ban on smoking. This is not only good health policy, I'd say—with the Minister of Health sitting right next to me—to help all Ontarians in terms of better health, but it's also good economic policy. The evidence is very clear that these businesses would increase their activity. Businesses would see an increase in revenue as a result of the ban on smoking. I say to the member that this ban would come into effect at the end of 2006, it gives businesses the opportunity to adjust, and this will be good for them as well.

CHEDOKE LONG-TERM-CARE FACILITY

Ms. Andrea Horwath (Hamilton East): My question is for the Minister of Health. Some of the most vulnerable and disabled adults in Hamilton are housed in a facility right now that's falling apart. A new home for the continuing care centre at Hamilton's Chedoke hospital was ready and set to be built two years ago. The previous government approved \$15 million in funding for a complete overhaul of this antiquated facility, but you've held it up for two years. In that time, the situation has moved

from very serious to critical. Had you not put the brakes on, three months from now Hamilton would be celebrating the opening of a new and advanced long-term-care centre providing state-of-the-art care to our most fragile citizens. Minister, what is your plan for moving ahead with the new Chedoke facility, and when will the funding flow?

Hon. George Smitherman (Minister of Health and Long-Term Care): It seems a little bit like the honourable member is the only person I've met so far in Ontario who took seriously one of those Tory plastic-cheque presentations right before the last election. Even the opposition leader was very clear, saying in Cornwall that he found that practice, which had been carried on by the former government, to be regrettable.

The reality in the province of Ontario is that we inherited an expectation list of \$6 billion on capital. We've been working very hard, alongside my colleague, the Minister of Public Infrastructure Renewal, on prioritizing a variety of these projects for the purposes of providing good-quality health care in the province of Ontario.

The member will well know that there are a significant number of projects exactly in her community of Hamilton, all of which cry out for investment. We will be moving forward within the capacity that our fiscal circumstances allow, and of course we're going to be keeping the needs of St. Peter's at top of mind.

Ms. Horwath: Regarding prioritization, Minister, it's obvious that you don't know exactly how bad the situation is for the patients. They're suffering from severe disabilities, brain diseases and injuries requiring complex and long-term care. It's only a matter of time before the aging and totally inadequate Chedoke building closes. Some patients will be losing the only home they've ever known, and you have no plan for them.

You delayed the new construction, so what is your plan for patients when Chedoke inevitably closes and there's no new facility ready? I'd like to pick up on a public invitation that was extended to you recently by Andrew Dreschel and the Hamilton Spectator: Will you at least visit Chedoke this week and see for yourself the deplorable conditions that exist for patients and staff, and then explain again why you cannot release the funding for this promised new facility?

Hon. Mr. Smitherman: As I've had an opportunity to visit St. Peter's other hospital, I think it's only a matter of time before I get there. It is, after all, my plan to visit all the fine health care institutions we have in Ontario. I want to thank the honourable member for extending that very warm invitation.

She makes the point that I couldn't have the interests of patients in mind. But in fact, I have a responsibility to have the interests of patients in mind beyond those whom she speaks about today. Those include the patients who need the Henderson Hospital rebuilt for important provision of cancer services, the patients who want to see more progress at the McMaster site, parts of which are in need of significant alteration, and certainly those patients who are gaining benefit even today from the multi-

million-dollar investment made at Hamilton's St. Joe's. This is evidence of the extent to which we're investing as best we are able in the important priorities that exist in the Hamilton area.

FOOD SAFETY

Mr. Pat Hoy (Chatham-Kent Essex): My question is for the Minister of Agriculture and Food. Minister, there have been several articles and advisories from the Ministry of Health in the last two weeks relating to a story where unpasteurized milk has been purchased or consumed, and the recipients contracted E. coli as a result. The chief medical officer has done an excellent job of communicating the situation to the public but, Minister, I'm curious as to the role your ministry has in food safety situations such as this.

Hon. Steve Peters (Minister of Agriculture and Food): This is a very important public health issue, and this is why we are moving forward on an integrated food safety system: to ensure that there is open dialogue and communication interministerially.

The sale and distribution of unpasteurized milk is prohibited under the Health Protection and Promotion Act. It's an excellent example of why we created the position of the chief veterinarian for Ontario, because the chief veterinarian can work very closely with the chief medical officer of health. I commend the chief medical officer of health for the leadership she has shown on this issue.

We are working very closely with other ministries. The Ministry of Natural Resources is involved with OMAF and the Ministry of Health as we try to determine who is irresponsibly selling unpasteurized milk in this province. The Ontario Farm Animal Council and the Dairy Farmers of Ontario are playing an important role as well.

I ask any member in this House, if they're aware of unpasteurized milk being sold in this province, to report it to OMAF or Crime Stoppers. Putting public health and safety at risk is not an appropriate thing to do.

Mr. Hoy: This ongoing integration of the food safety system shows that the McGuinty government has made food safety a top priority. We know that we want our food to be safe, and we are instilling greater confidence in our consumers by working together to make sure the public is an informed public.

Minister, there are some concerns with government regulations. They have been viewed by some as negative. Will you please tell the assembly your thoughts on this point?

Hon. Mr. Peters: This is a prime example of why regulations are there to support us. This is a prime example of why this government does not support the sale of unpasteurized milk. This government does support the health and safety of our citizens.

What I find very disconcerting is that John Tory and the Tories have stood up in this House and presented petitions on behalf of organizations that support the sale of unpasteurized milk and cider. You can read Hansard

and see where John Tory and his backbenchers have presented these petitions. It's very irresponsible. The Tories are not there defending the health and safety of our citizens. They're prepared to support organizations that support the sale of unpasteurized milk.

If anybody is aware of who is making these sales, we need it reported, because we've got four people in hospital right now. This government stands up for the health and safety of citizens. It's obvious that John Tory and the Tories don't.

HERITAGE LEGISLATION

Mrs. Julia Munro (York North): My question is for the Minister of Culture. Ontario's churches have been telling you for months that your amendments to the Heritage Act could have a harmful effect on their ability to carry out their mission. You did not consult them before you introduced the bill, you did not consult them during its passage through the House, and you voted down amendments that I introduced to protect the churches and require consultation. This bill was then delayed as your government finally woke up to the concerns of our churches and started talking to them.

Our caucus has been telling you for months that you need to listen to the churches. What guarantees can you give this House that you have listened to their concerns, and what action will you take to protect them?

1500

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I thank you for your interest in protecting the culture-faith group. We have consulted. Under our own government, most of the groups were consulted. Because of the religious groups expressing their concern about not being consulted, we reopened the consultations. They came, and the ministry staff had at least three meetings with them. They were consulted and we came to an agreement and, perhaps on one point, an agreement to disagree. So they were properly consulted, and I'm pleased with what the staff has been doing.

Mrs. Munro: During the committee hearing on Bill 60, supporters of the protection of Ontario's cemeteries asked for cemeteries to be specifically included in the bill. Your parliamentary assistant first claimed in committee that cemeteries were included, and then claimed that they could not be written into the bill because doing so would be in conflict with other legislation. She then promised in committee that your government would work with cemetery supporters to put in place protections as part of the Cemeteries Act. Will you tell this House what discussions you have had with cemetery supporters to bring in the protections they want?

Hon. Mrs. Meilleur: The Cemeteries Act is the responsibility of the Minister of Consumer and Business Services. The minister and I have spoken about it. The minister is well aware of the concerns of the people and those who are concerned about protection of the cemeteries. We know that it's very important; it's part of our heritage. Both ministries will work together to ensure that

they are protected and that these groups are satisfied that we're doing everything we can to protect the cemeteries.

NORTHERN ONTARIO EDUCATION FUNDING

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Minister of Education. This is the McGuinty election promise for northern Ontario schools. On page 12 it says: "We will respond to the educational needs of northern communities.... We will protect northern schools."

The parents at Fourway school near Thunder Bay are rapidly losing faith in your government. Last week, here, Premier McGuinty said, "We have made a facilitator available, someone who is prepared to go in and review the school closure proposal." We've spoken to the parents at Fourway school; they don't know anything about a facilitator. These parents want action. They want to see your plan. They don't want a fictional facilitator.

You made a promise to protect northern schools. Where is that promise? Where is the plan, or is this just another McGuinty broken promise?

Hon. Gerard Kennedy (Minister of Education): I say to the member opposite that the plan we have for northern and rural schools is encompassed in a policy released on February 18. In that, for the first time ever, but particularly in contrast to what happened in the last seven or eight years, we're saying that every school should be valued in an objective way to find out how it should contribute to the student, the school system, the local economy and to the community. What we have said to the communities—and the member opposite is aware that there is legal action being made in connection with the school he names. But for all the schools that are in the Lakehead system, we're saying that they have to fit the spirit of the new policy. As the Premier indicated, we have arranged for someone to review those policies at Lakehead and elsewhere, and very shortly we'll be announcing that person and exactly how it will be conducted.

Mr. Hampton: Your so-called new policy calls for a public six-month review, but Fourway school is scheduled to close in just two months. So your review policy here is a whitewash. But it's not just Fourway school; it's Gorham and Ware school, Heath Park school, Oliver Road school, Rosslyn Road school, Rosslyn Village school and Fort William Collegiate Institute. Several schools are not going to be protected by the McGuinty government; they're going to be closed. The board says you haven't provided them with any funding to keep the schools open, so they have no choice but to close the schools.

Minister, before the election you said you had a plan. Before the election you said you were going to protect northern schools. The board doesn't have the money; you're not prepared to give them the money. Will you come forward now with a plan so the board can have enough money to operate these schools, and will there be a real review rather than just a whitewash?

Hon. Mr. Kennedy: Again, I don't know what troubles the member opposite. We put out a plan in February advising the boards. We previously asked for a moratorium. There were seven schools closed; as many as 50 a year closed under this member's government, many of them in the north. In fact, in the Lakehead alone they closed some 15 schools, many of them under the opposite member's watch.

I would say to him that there will be a review. It will be done to see whether the board has met—it decided to go ahead even though we asked for the moratorium where very few schools were actually shut down. We will gauge through an independent person whether or not they have met the spirit of our new guidelines on a capital plan and whether or not the way they consulted the public and followed the procedures was consistent with the new procedures we are putting forward.

We believe that the people of the Lakehead want this process to be objective; it will be. They want it to be independent; it will be. They want it to take place soon, and it will.

CHILDREN'S CAR SEATS

Mr. Michael Gravelle (Thunder Bay–Superior North): My question is for the Minister of Transportation. Today, you and the Minister of Children and Youth Services launched the spring seat belt campaign. As the slogan says, seat belts save lives, and our government believes it's important to get that message out there. Certainly we must always strive to improve safety standards for Ontario's most vulnerable population; that is, our children.

Today's launch also touched upon a McGuinty government campaign initiative about upcoming changes to child car seat legislation. Minister, may I ask what Bill 73, An Act to enhance the safety of children and youth on Ontario's roads, will do to ensure the safety and lives of Ontario's children come September 1, 2005?

Hon. Harinder S. Takhar (Minister of Transportation): I was very pleased to have my colleague the Minister of Children and Youth Services join me at the great Hospital for Sick Children in Toronto this morning for this event.

It's a fact that most car crashes lead to injury and death of young children when they happen. It is also a known fact that car seats and booster seats save lives. That's why our government introduced Bill 73, and it passed in this Legislature in December last year.

Under this legislation, we will do three things. Number one, booster seats will become mandatory for all children between the ages of one to eight who weigh between 40 and 80 pounds and are below four feet, nine inches in height. These booster seats will become mandatory on September 1 this year. We will also add two demerit points and have fines in the range of \$110—

The Speaker (Hon. Alvin Curling): Thank you. New question. The member for Durham.

Mr. John O'Toole (Durham): My question is to the minister of—

Interjections.

The Speaker: Order. I'm going to give the member for Thunder Bay–Superior North a supplementary.

Mr. Gravelle: Certainly it's good to hear that our government is committed to keeping Ontario's children safe. As you said, statistics show that car crashes are the number one cause of death for Canadian children. We also know that the risk of injury or death is reduced by 75% when children are in child seats or booster seats.

Minister, to ensure that this life-saving campaign is working effectively, how will the new regulations be enforced, and furthermore, how will drivers in my riding, for example, learn how to use the child and booster seats correctly? Will there be some help for them?

1510

Hon. Mr. Takhar: I think the most effective way of enforcement is public education. We want to make sure that parents choose the right car seats and that children are fastened correctly into the car seats. So there are going to be seat clinics across this province. There are 25 of those happening. In Toronto it happened last week, in Mississauga it will be next week, and in Scarborough a month after. In your particular riding, I think it's happening on April 20. Parents can go there and learn how to use the car child seats, and it will eventually save lives for the children. We are very proud of our initiative on that front.

ENERGY POLICY

Mr. John O'Toole (Durham): My question is for the Minister of Energy, and I hope I'm given time for the supplementary, because it really is two parts.

Everyone in Ontario, Minister, wants a safe and affordable and reliable source of power. You know that last week the grid was at risk of brownout. You, in fact, had to reduce the voltage throughout the province.

The issue here isn't as simple as it taking longer to do my toast in the morning. The issue here is small business that runs motors. It puts these industries at risk. You know that you're putting the industry at risk. You know that you're putting business at risk.

I think it's a larger issue here of supply adequacy. You've committed to shut down the coal plants. You know it's not achievable. You announced last week that you were going to have more natural gas. I guess my question is, can you assure the people of Ontario that you won't put business and consumers at risk with your plan for energy replacement of coal by 2007?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I can assure the member that we've given them that assurance by getting rid of that government's energy policy, which failed the province miserably. Let's look at last week and let's talk about reductions and the voltage reduction—and that member would certainly understand low voltage.

Number one, our exports exceeded our imports four days out of five last week—absolutely. The price last week came down from Monday to Friday. Was there, in

fact, a point reached where we needed to import? Yes. Were businesses ever at risk? Absolutely not.

I can tell the member that under his government, the reserves of the province of Ontario dropped below the safe level of 20% to 11% for a full year, and one year at 12.5%. Under this government, reserves have consistently been at 20%. We routinely take a number of reactors off-line for maintenance. We did that last week. It's a matter of public safety and good policy, and this government is pursuing a good policy.

Mr. O'Toole: I know the increased relationship with the US marketplace is something you're quite comfortable with, as is evidenced by the Calpine agreement to build another gas-fired generation plant in Sarnia. I was saddened to learn just recently that the Calpine corporation has been under some question in litigation and has been fined over a billion dollars for Enron-style negotiations.

Minister, you're putting at risk, through this investment, the transparency that you speak of all the time, the security of the taxpayers' money in the province of Ontario. This isn't just about energy. This is about your ability to manage this file. Can you assure the taxpayers of Ontario that not one cent will be wasted on one electron that will go to the United States of America?

Hon. Mr. Duncan: I can assure the member opposite and the people of this province that there won't be the multi-million dollar backroom deals with backroom supporters that were done under that government.

I want to address the questions that the member has raised. That party witnessed a decline in our electricity supply year over year over year. They brought no new supply on.

Hon. James J. Bradley (Minister of Tourism and Recreation): They're the party of coal.

Hon. Mr. Duncan: We've moved to bring supply on, including new renewable energy—395 megawatts.

My colleague is right: That's the party of coal. That's the party that wants to do things the old way. That's the party that doesn't want to address childhood asthma. That's the party that doesn't want to address the fact that the price of coal has doubled in the last 18 months. That's the party that would not deal with Manitoba or other provinces to get clean hydroelectric power. The Conservative electricity policy was a failure.

We're fixing the system so that people will have reliable, affordable, sustainable energy—

The Speaker (Hon. Alvin Curling): Thank you. That brings us to the end of oral questions.

PETITIONS

ONTARIO PHARMACISTS

Mr. Cameron Jackson (Burlington): I have a petition to the government of Ontario in support of Ontario pharmacists.

"Whereas we, the undersigned,

"Share the concern of Ontario pharmacists that the government" of Dalton McGuinty "is considering changes to the drug program that could restrict access to some medications or force patients to pay more for their prescriptions, placing seniors, low-income families and many other Ontarians at risk;

"Recognize that these changes could affect the ability of pharmacists to continue to provide quality programs and services, decreasing Ontario's access to essential health care services; and

"Believe that pharmacists, as advocates for quality patient care, should have a greater role to play in advising the government when it considers changes that will affect the health of Ontarians,

"We hereby petition the government of Ontario:

"To work with Ontario pharmacists to prevent cutbacks to the drug program; and,

"To establish a process that brings pharmacists to the table to provide solutions that will protect patients and strengthen health care for all Ontarians."

Mr. Speaker, this has my signature of support as well.

SENIOR CITIZENS

Ms. Andrea Horwath (Hamilton East): I'm pleased to present this petition to the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly as follows:

"To immediately commit to action and funding to ensure the rights and protection for our senior citizens living in nursing homes and retirement homes in Ontario."

It's very brief and to the point. I support it wholeheartedly and have signed it as well. I give it to Jean to bring down to the Clerk's table.

ANAPHYLACTIC SHOCK

Mr. Dave Levac (Brant): I have a petition that is written to the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I sign my signature to this petition and give it to our page Alexandra.

ANTI-SMOKING LEGISLATION

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): I have petitions here, many of them, from different Canadian Legions from Hanover, Tara, Durham, Chesley and Walkerton. They are to the Legislative Assembly of Ontario.

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities as well; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"Therefore we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Parliament of Ontario exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I've also signed it.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Ms. Andrea Horwath (Hamilton East): This petition is to the Legislative Assembly of Ontario.

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

1520

WILDLIFE PROTECTION

Mr. Khalil Ramal (London-Fanshawe): "To the Legislative Assembly of Ontario:

"The unreasonable and inhumane restriction that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators for animals in their care by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and thereby jeopardizing safety;...

"We petition the Legislative Assembly of Ontario to work with wildlife rehabilitators to ensure progressive, humane and responsible regulations that reflect the international care and release standard that states: 'Orphaned wildlife should be raised with others of their own species, to learn proper conspecific behaviours, and the group should then be released together in appropriate natural areas, with the transitional care for those species that require it, generally within the city or country of origin.'"

STUDENT SAFETY

Mr. Jim Flaherty (Whitby-Ajax): I have a petition to the Legislature of Ontario.

"Whereas the Ministry of Education has failed to ensure that students are protected from individuals whose past behaviours have directly harmed children; and

"Whereas the Ministry of Education has chosen to ignore the children's aid society's recommendation that certain individuals not work with children; and

"Whereas the introduction of a 'volunteer' into the school system must not be solely at the discretion of the principal; and

"Whereas the Liberal government promised to ensure that school boards provide strong local accountability and decision-making;

"We, the undersigned, petition the Legislative Assembly to amend the Education Act to place restrictions on the eligibility of persons who act as volunteers in schools, and to include as a formal requirement that volunteers be subject to the approval of the school board and parent council."

I have added my signature.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Pat Hoy (Chatham-Kent Essex): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and the Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Ontario's three remaining regional centres for people with developmental disabilities, located in Smiths Falls, Orillia and Blenheim, Ontario;

"Whereas the regional centres are home to more than 1,000 disabled adults, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing the regional centres will have a devastating impact on people with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of the regional centres to extend specialized services, support and professional training to thousands more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Ontario's regional centres for people with developmental disabilities open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

It's signed by a number of residents from Berlin, Shrewsbury, Chatham and Tilbury, and I too sign this petition.

HALTON RECYCLING PLANT

Mrs. Julia Munro (York North): "To the Legislative Assembly of Ontario:

"Whereas noxious odours from the Halton recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in Newmarket; and

"Whereas local families have lost the enjoyment of their properties for themselves and their children, face threats to their health and well-being and risk a decline in the value of their homes; and

"Whereas for the 300 members of the nearby main RCMP detachment, as well as other workers in the area, the odours are making their working conditions intolerable;

"Therefore, we, the undersigned, demand that the Minister of the Environment take immediate action to halt all noxious emissions and odours from the Halton Recycling plant, and take all steps necessary to force Halton Recycling to comply with environmental rules, including closing the plant if the odour problems continue."

As I am in agreement with this, I have affixed my signature.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I'm pleased to provide some assistance to my seatmate, Kim Craiton, with a petition from the Niagara Anaphylaxis Support and Knowledge Group. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Be it therefore it resolved that the government of Ontario support the passage of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I agree with this petition, I've affixed my signature to it, and Julie's going to carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I agree with this petition and I've signed it.

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign that and pass it to Jessica.

The Deputy Speaker (Mr. Bruce Crozier): Petitions? The member for Simcoe North.

Mr. Dunlop: Thank you very much, Mr. Speaker. Again, this is a very important issue, and I like to keep reading this in.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

Again I'm pleased to sign my name to this.

The Deputy Speaker: Petitions? The member for Simcoe North.

Mr. Dunlop: I thank you for the opportunity.

"To the Legislative Assembly of Ontario:

1530

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to signed my name.

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES OBLIGATIONS FAMILIALES ET L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS

Resuming the debate adjourned on April 12, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

The Deputy Speaker (Mr. Bruce Crozier): Further debate?

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure to enter the debate on Bill 155, the Family Responsibility and Support Arrears Enforcement Amendment Act. When I knew that I was going to have an opportunity to speak to this particular bill, I was very pleased because, unfortunately, there is certainly a lot of work that needs to be done to clean up the FRO generally. It has been, quite frankly, a mess from the get-go,

and certainly anything that can be done to attempt to clean that mess up comes in a welcome way.

There has been, as everyone in this House knows and likely everyone across the province knows, a significant amount of criticism of the FRO through official reports and media condemnation. The amount of criticism and concern over the FRO is legion. It's absolutely voluminous, the amount of documentation that exists around the problems with the FRO. Does Bill 155 bring some legislative change, you might ask, that may be in some way effective? Well, maybe; it may be in some way effective.

More to the point is the fact that legislation alone will not fix the FRO, because what the legislation that's before us does is add a few tools, if you will, add a few new ways for the government to deal with people who are not paying their support payments. But what it doesn't do is deal with the huge problems of enforcing the existing legislation, never mind new legislation. We're talking about the fact that there are not enough people working to clear up, to enforce the support orders that are out there. We don't have enough staff at this point in time who are dealing with our FRO problems. On top of that, we have an entirely ineffective and inefficient system in that it needs a great deal of upgrade electronically, and I'm going to get to that in a few minutes.

I thought it would be important to bring some flavour of what's happening through citing an example of a situation in Hamilton East that has come to my attention, and that we have been working on for many months as a matter of fact. It's an example that really speaks to the issues that I've raised around what needs to happen to fix the FRO. I am going to give an example of a woman who ends up being out somewhere near \$10,000 as a result of a system that has gone terribly wrong. Unfortunately, I don't see that Bill 155 is going to change that in any way. I don't see two years down the road, with Bill 155 in place, that it's going to make any speck of difference in the experience of this woman in Hamilton East.

For privacy purposes, I am going to call her Jane. Her case is quite an interesting one and we're taking it into many different directions. We started dealing with her several months ago. In fact, we had a feeling of incredulity when we read the e-mail that she first sent us and when we first talked to her on the phone. It is absolutely unbelievable what she has had to endure for quite some time in order to get financial justice in the current system. We were extremely concerned, and therefore have been working with her to dig through a huge bureaucratic mire of red tape and having the buck passed back and forth, in order to find out what was really happening.

She was owed over \$17,000 in support arrears. The FRO placed a writ of seizure and sale against the assets of the support payer, including his house. So she's owed the money, and part of the process is that the FRO is able to place what is more or less a lien, in laypersons' terms, on the property. In July last year, the house was sold. There's reason to believe, through knowing what the

market was like in the area, that the net proceeds of the sale were somewhere around \$30,000. In late November, Jane received a notice that she was going to receive \$8,000 as a result of the sale.

If the net proceeds—the amount of money after the mortgage was paid—were \$30,000, and Jane was owed \$17,000, and the writ was on the property that was sold, then why is it that Jane ended up with only \$8,000? The FRO had placed the lien, the house was sold, \$17,000 was owing and she ended up with only \$8,000. That means she was shorted \$9,000 in the transaction.

What we've been trying to find out for her is exactly what the net proceeds of the sale were and whether they were properly applied. Did she, in fact, receive the proper amount? Just to find that out has been an extremely difficult task, I can tell you. It has really been mind-boggling the way we've had to peel through the layers of bureaucracy to try to figure out how this could have happened, or even to confirm what we all suspect, which is that this woman was shorted about \$9,000. Unfortunately, to this very date, neither the FRO nor the office of the minister has provided us with any assurances in regard to this situation. It's just one example, dealing with fairly substantial dollars, that I bring in the context of this debate.

What's needed in this whole area of the Family Responsibility Office is not more legislation—although, again, the bill is not horrendous in terms of what it suggests; it's got some added opportunities in it to find people who are owing their spouses in these disputes. But what it doesn't have, and what we're not seeing, is a commitment from the government to put the tools in place—the real tools, the actual on-the-ground tools, the people tools and the technology tools—that will help to clean up this mess of the FRO. It's extremely unfortunate.

My colleague from Beaches—East York—who is not with me right now, but whom I sit beside on a regular basis during these proceedings every day—is our critic in this area, and he informed me as he was leaving the Legislature earlier on that he gave his leadoff speech on this issue not too long ago, only to find out a couple of days later that the ministry has in fact laid off 120 workers. There have been layoff notices sent to 120 workers in the very department that everybody agrees is dysfunctional largely because it doesn't have enough staff, and the staff it does have are not trained appropriately to deal with the issues because, I've discovered over the last couple of months, they really can get quite detailed and quite specific and you need to have highly trained staff. That's one problem. We were floored when we found out that 120 layoff notices have gone out to the very staff that we're hoping are going to clean up some of these problems.

However, that's not the end of the story. Another piece of the story that I find absolutely stunning is that the ministry is looking at a tendering process for new technology. At least they've acknowledged that the computer systems need to be upgraded, and that's great. The problem is that the very company that once operated as

Andersen Consulting and is now called Accenture, which was scandalously sucking money out of the taxpayers of this province under the previous government in the welfare system, which at this point in time—we've all experienced the government's attempt to increase by a pittance the amount of Ontario disability support and social assistance. But guess what? Those people couldn't even get their 3% because of the computer system that we, the taxpayers, have paid millions, maybe billions, for through the Accenture/Andersen Consulting group. They didn't get their money. The government had to scramble to find a way to pay them because the computer system couldn't handle the increase. Now maybe the Conservatives thought they'd be in power forever and would never have to increase social assistance. Nonetheless, it's a system we spent a heck of a lot of money on as a province, and it was not effective for the job.

1540

The scandal is even worse: This government has that same organization, that same company, Accenture, at the top of the list of bidders for this new FRO office. So I ask you, how do we clean up an office that's a mess; how do we clean up a department that needs a complete overhaul by laying off 120 workers: by hiring, or at least considering hiring, one of the worst scandals in terms of technological consulting and technology firms that this province has ever seen, and by thinking and pretending, in total normal Liberal doublespeak, that this bill is going fix it?

I have to say it's a very disappointing day for Ontario and for all those people who are owed money in the FRO process, because this bill is not going to get them that money.

The Deputy Speaker: Questions and comments?

Mr. Phil McNeely (Ottawa—Orléans): I wish to congratulate the Minister of Community and Social Services for this undertaking. I haven't sat in on many of the public accounts committee meetings, but I did sit in on the one for the Family Responsibility Office. What was allowed to go on there was atrocious. The assistant deputy minister told us that we were losing about \$10 million a year because we didn't have an adequate computer system—we went through that in other opportunities to speak in this Legislature.

Our plan is to make the Family Responsibility Office work better for Ontario families. The proposed amendments are needed to strengthen enforcement, improve fairness and enhance efficiencies. The proposed amendments will help families get the money they are owed and help them become self-sufficient, strong and healthy.

Providing the Family Responsibility Office with stronger trace-and-locate measures by expanding the number of organizations from which information can be demanded to include trade unions, extending the maximum jail term from 90 to 180 days, suspending defaulting payers' hunting and sport fishing licences and reporting defaulting payers to professional licensing bodies are all things to make it more effective. Obviously, it's that tracking system that hasn't been there, which is about to be chosen and which we're going to go

ahead with, that will allow the office to follow these people who aren't paying.

I had a lady come into my office on Friday. Her deadbeat partner is living in BC, and there are problems between provinces as well. But when there is such a time lag between non-payment and tracking as there is now—with one person handling 1,300 cases, I believe—the system just does not work.

So we must protect our families, we must protect the children and we must protect the public purse that's losing \$10 million year because these families are going on social assistance because they don't get these dollars. So I'm very supportive of this legislation.

Mr. Toby Barrett (Haldimand—Norfolk—Brant): The member from Hamilton East knows of what she speaks with respect to this Family Responsibility Office legislation and the attempts to make some changes, again, through legislation. I know she does raise the question, do we need more legislation? Oftentimes, as a Conservative, I agree with that. We do seem to be in a society that has an ever-increasing number of rules and regulations and red tape. Having said that, I think there is merit in taking a serious look at this bill, just for the simple reason that about 40% of marriages end in divorce, and we hear figures of anywhere from \$1.2 billion to \$1.6 billion in arrears. Obviously, somebody is not listening to judges in this province.

So many issues have been raised in the deliberations on this bill. On the issue of yanking someone's hunting or fishing licence, I don't know whether people are going to pony up the money they owe under the threat of not being able to go fishing. I wonder if that makes a bit of a mockery of the seriousness of this problem that we're dealing with. It's a problem that does require not only one solution but a number of solutions.

I am concerned. For example, with hunting and fishing, or the case now where you can lose your driver's licence, I don't hear any talk of sanctions directed toward urban residents with respect to banning their use of public transit.

So this legislation does raise some issues.

Mr. Pat Hoy (Chatham—Kent Essex): I'm pleased to make some comments in response to the member opposite on Bill 155.

Our government is going to take aggressive action to make parents live up to their family responsibilities. All of us who have been in this place for some time recognize the chaos that existed at the Family Responsibility Office. It was absolute chaos. My staff were put on hold for an hour at a time some years ago, just waiting to talk to someone at the Family Responsibility Office. Our phone bills in the local constituency office were astronomical from being placed on hold for an hour, trying to reach people.

It has improved greatly over time. Our minister wants to improve it and provide a service that responds to both the recipient—those families, many times including children—and the payer.

I've had employers call my office who were equally upset with what transpired in their dealings with the

Family Responsibility Office, because neither the payer nor the recipient was pleased, and sometimes the employer was caught in the middle. They were not pleased in any way, shape or form.

We want to improve the fairness by allowing the Family Responsibility Office to enforce a lesser amount of support when the number of children entitled to support decreases. This is something that I've had persons relay to me in my office. I think it's a responsible way to answer the question for those who are concerned in that particular regard.

We simply want to see the monies that go through the Family Responsibility Office be sent on time and in a fashion that keeps the families who require them from being destitute. Families came to my office who were absolutely destitute, and, as my colleague said, they oftentimes move on to other social assistance that costs taxpayers dearly.

Mr. Michael Prue (Beaches–East York): I had the opportunity to watch my esteemed colleague here from Hamilton East on the television. She's very photogenic, as you know, on the television. I was quite thrilled to hear her speak to this issue.

I just want to comment on one particular aspect that she talked about, and that is the need for workers in the FRO. That's the most important aspect. This bill is all so much fluff without having the workers available to do the work that's necessary. They have not had the tools for a number of years. They have not had the sufficient resources of people to do the job on behalf of the families, on behalf of the children, the job of collecting money for these families, and the very important work that they do. Without those resources, you have seen the backlogs go up and up and up.

They have not had a proper computer system. If ever there was an archaic computer system in government, that is the archaic system. This government has said that it's going to take at least until the year 2006 before the computer system can be installed and get up and operating. It's going to be, I believe, in the 2005-06 budget. We're all hoping that they are going to have a computer system.

The biggest shot, I think, to all of them was this past week when the announcement was made that layoff notices are being delivered in that department. If there is one government department in Ontario that cannot afford a single layoff, surely this is the one. When families have to wait weeks or months to get their money, when people are standing there trying to get the system brought back into line so that it works properly for those who are paying and for those who are receiving the money, clearly we have to have better staff; we have to have more staff. The government should very quickly relook at their decision to hand out the layoff notices.

I commend my colleague from Hamilton East for bringing up this very, very important issue.

1550

The Deputy Speaker: The member for Hamilton East, you have two minutes to reply.

Ms. Horwath: I want to thank the members from Ottawa–Orléans, Haldimand–Norfolk–Brant, Chatham–Kent–Essex and Beaches–East York for their comments. Interestingly enough, as the members opposite, the government members, made their comments, they totally ignored the very issue that I was raising and that was reinforced by my colleague the member from Beaches–East York, and that is the issue of the need not only for legislation but for the tools that you require to make the legislation work.

I think the biggest tragedy is that not only is the technological piece not going to come into play any time soon and that the company they're looking at to provide those services is one that's robbed this province of millions, if not billions, of dollars, but along with that is the issue of the layoff notices that were sent to the very people we hope, we expect, we want to have there, pulling all of the people who are responsible for support but aren't paying it, pulling those people in, putting them on the carpet and making sure they fulfill their obligation to their families to financially support them. And that's what we need. We need those people; in fact, we need more of them, not less, and we need more highly trained workers, because the quagmire—one of the members mentioned it as the chaos that exists in the FRO office. Unfortunately, although the Liberalspeak says that this bill is going to deal with that, it won't. What it will do is put a few more things on the list in terms of enforcement, but the tools to enforce, which is the people to go and make sure those orders are being followed and the technological systems that are required to track these people as they move around and try to escape their responsibilities, are the things we need. Unfortunately, although Bill 155 has a lot of fluff in it, as the member from Beaches–East York said, it doesn't have the tools.

The Deputy Speaker: Further debate.

Mr. Barrett: I appreciate the fact that I can rise in the House to discuss Bill 155. I'm surprised the Liberals aren't speaking to this. It's a pretty important issue—it's not an issue; it's a problem. It's a number of problems. We're dealing with An Act to amend the Family Responsibility and Support Arrears Enforcement Act. Sadly, 40% of marriages end in divorce. Many of these divorced couples have children. Usually one or other of the parents has custody of the children; in 41% of the cases, joint custody. Ideally, the children receive support from the ex to help out.

However, when things fall through, judges get involved, lawyers get involved, the court system gets involved; a judge rules to mandate monthly payments. But just because a judge rules on payment does not mean that people pay attention. Presently, you can put a dollar figure on the fact that people in Ontario are not following judges' orders to the extent of somewhere between \$1.2 billion and \$1.6 billion in child support owing, in payments outstanding. There seems to be very little that judges are capable of doing about this. Given the massive amount of arrears in this province, obviously, in my view, the justice system is failing the children of divorce.

This is where the Attorney General's office comes in. When a judge is ignored, it falls on the parent, often with a lawyer, to try yet again in court, or through the FRO office, which is located in the Attorney General's ministry. As all of us in this House will know, as MPPs, it often ends up on our desk and in the hands of our staff.

I'd like to discuss some improvements suggested to our family responsibility system, much of it coming from my staff down in my Simcoe constituency office. We all know the current system is by no means perfect. The Family Responsibility Office, FRO, strives to help parents either receive support or pay child support. Again, if the improvements are not forthcoming under the present government, ultimately it is the children of this province who suffer.

That being said, Bill 155 is at least a start to rectify some of the problems facing the FRO and, by extension, our offices, and ultimately, by extension, children across Ontario. I'm not here to rip the bill apart. I do wish to address some issues that I feel the bill doesn't address adequately. There's talk of the disadvantage of yet more legislation and more amendments, but I'm suggesting that new legislation is needed. I sincerely hope this government could construct a bill that would seek to improve this office.

Certainly, don't bring in legislation that creates even more bureaucracy. Much of the problem with Bill 155 is the fact that instead of inserting real teeth into the system, when you look at it, I suppose at best we've got a situation where we've inserted dentures, if anything.

I'd like to begin with the concept proposed in this legislation of suspending fishing and hunting licences, as if that's going to force many of the payers to pay their support. I don't feel that the threat of pulling somebody's hunting or fishing licence is going to carry much weight. As with the case in much of rural and northern Ontario, many people would continue to hunt and fish anyway, without a licence. I know we've had many stories of people who have had their driver's licence suspended; they continue to drive. Again, they make a choice to not pay their support; they can make a choice to continue to fish without a fishing licence. I suggest that going down this road makes a bit of a mockery of the seriousness of this situation.

The MPP for Oshawa, my colleague Jerry Ouellette, made mention of this issue. I felt he had some valid points. I can envision a conservation officer down my way, out in the middle of Lake Erie or out in the bush, not having the communication ability to know whether this fishing licence or hunting licence has an FRO suspension on it or not. I don't know whether the government would mail stickers to the payers and ask them to put an invalid sticker on their card to show to a conservation officer. Again, it was mentioned that we beef up the computer system. I don't know whether the database can be cross-referenced with hunting licences and FRO data. There are logistical problems.

The member for Oshawa made mention of moose hunting. By and large, it's a group hunting activity rather

than individual hunting. He pointed out that, with respect to moose hunting, groups are allocated a tag. There could be 10 or more people hunting under the same tag, whether it's for a bull moose, a calf or a cow. Where does that put our conservation officers with respect to dealing with a person who may be under suspension due to arrears? Does that put the whole group under suspension? It's not clear at all. It has not been explained how this would actually work out in the bush.

A question to what extent targeting hunters and fishermen is discriminatory with respect to residents of rural Ontario and northern Ontario, people who either enjoy that kind of activity or depend on that kind of activity to put some venison in the freezer. I would argue the same thing if legislation was brought in targeting urban people, where they would be prevented from using public transit, using the TTC, for example. I don't know where the statistical analysis is with respect to targeting hunters and fishermen or, by extension, targeting people who would want to use public transit.

1600

The legislation talks about increasing jail time from 90 days to 180 days. Again, I suggest that this was designed to make people think that this government is tough on deadbeats. It's a word I don't like to use, in the sense that many payers have been unfairly caught in this system as well.

I've been an MPP for 10 years. I know of very few, if any, cases where somebody is serving jail time because of non-payment. My staff have indicated that they're not aware in the last five years of anybody doing time because of an FRO issue. In those same five years my office has seen only two bank garnishments. As I understand, before FRO can issue this type of enforcement, it has to go through the courts to have it issued and then sent back to FRO to send out. Again, it's something that can easily clog up the Family Court system and clog up the FRO offices.

If this legislation is to be tougher, perhaps we need to take a look at allowing FRO to make those decisions on extreme cases, instead of dragging it through the court, waiting for a judge to have his or her say in a system where people don't seem to be paying attention to the judges anyway. I would argue that going down the road of increasing jail times really doesn't have an awful lot to do with anything.

There's a proposal that information be disclosed to professional associations. I think in the debate many of my colleagues have indicated, to summarize, "So what?" If an association knows that one of their members has not paid, unless there's a mandate to discipline the members, what difference is that going to make?

The Deputy Speaker: Questions and comments?

Mr. Gilles Bisson (Timmins-James Bay): I want to agree with a number of the comments that were made by my good friend and to say that I'll have an opportunity a bit later to talk a little more in detail about the other part of this bill that's lacking, in my view. And that is, we're kind of dealing with this like the barn door is open and

all of the horses have run out and we're trying to close the door after the horses have bolted. I don't blame the government entirely for this because, quite frankly, every government to a degree has had their thumb on the FRO picture—probably the Tories more so than others, but that's a whole other debate.

My point is this: One of the things that we need to take a look at is the Family Law Act. Part of the problem that we have, in my view, is that we have a very confrontational system when it comes to separation and divorce. I sit down with some good friends of mine who are practising in the profession of law and they're pretty upfront about it. Basically, if somebody comes in to see them and wants to argue about who gets the cat, who gets the dog, as one good friend of mine told me the other day, they're more than prepared to make that happen within the courts. If they could lengthen the process or make it more expensive and make more animosity amongst the partners, all the better for them in some cases.

I would argue that one of the things we need to do is to take a look at the issue about the Family Law Act in regard to how we deal with the issue of when there is a couple and there is a breakdown in their relationship. Should we be looking at mediation—not arbitration; a totally different issue—as a way of being able to resolve issues that need to be resolved on separation, such as visitation rights, support, division of assets and debt, all of those issues? Then it becomes less and less an issue of enforcement at the FRO side if the two, the man and the wife, have been able to sit down and come to a fair settlement for the kids, the wife and the husband. In some cases, and I'll talk to that later, what ends up coming out of the courts is really difficult for all parties to live with, and what you end up with is a great big confrontation and FRO, in the end, having to have more staff to deal with more bad judgments.

Mrs. Donna H. Cansfield (Etobicoke Centre): I'm pleased to stand in support of the bill. It's interesting: the member from Haldimand–Norfolk–Brant indicated that in 10 years or five years he had never had anybody who had come in with an issue of arrears—fascinating. I've only been in office for a little over a year and a half and I've had two. So obviously this is a problem. But I think this is really a bigger problem because in fact it's \$1.29 billion in arrears historically in this province.

It's interesting. While we all sit here and discuss, if there's a deadbeat dad, whether we should do it or not, their hunting licence, the bottom line is that there are a lot of children out there who are not receiving the support they need in order to have a level playing field in this world with their peers. It should be irrelevant, some of the stuff that's being brought up. At the end of the day, it's the child who suffers because somebody who brought that child into the world, or who in fact took on the responsibility of that child, is not prepared to pay his or her responsibilities, and that's unconscionable to me. How in the world do you expect children to have ethics and values if they're not instilled in them, even within the government that serves them? This is a critically im-

portant part of the bill that people tend to forget. You know, \$1.29 billion is a great deal of money for a lot of children who aren't fed, who aren't clothed, who aren't schooled properly because they haven't got the tools with which to do it.

I think that what people should be able to do is get to the heart of the problem and deal with it. If there's a deadbeat dad—or mom, for that matter—out there shirking their responsibility, it's our responsibility on behalf of that child, who has no other recourse, to find the money for them so that they can grow up in a reasonable fashion in this province.

Mr. Garfield Dunlop (Simcoe North): I'm pleased to be able to respond to my colleague the member for Haldimand–Norfolk–Brant, who spoke a lot on the hunting and fishing aspect of this particular piece of legislation.

I stand to be corrected by the members opposite, but I understand that there is a real issue around the enforcement of the fishing licences. I understand there certainly is not in place the technology and the computer system to actually enforce the intent of the legislation. So in the case of removing someone's licence, in fact, they unfortunately do not pay their responsibility to their children, and I think that becomes an issue.

I talked last week to a few members from the Ontario Federation of Anglers and Hunters, who have had a great deal of concern with this—not that they for one second don't expect their members or any member of society to fulfill their obligations and commitments to their families. I think the member clearly has indicated this. I've also talked to my friend and colleague from Oshawa, who has tried to reinforce this with me as well.

So I think you've got a bit of a problem in the enforcement of this one particular area. If the government proclaims the legislation, it will be interesting to note how much funding they have set aside for this enforcement, if they're going to carry this legislation through as the bill has been presented in this House, or if they'll make some kind of a regulation that would not make that mandatory at this time.

I look forward to comments from the government members to clarify my position on that.

Ms. Horwath: I'm pleased to make a few comments on the debate by the member for Haldimand–Norfolk–Brant. I have to say that although there are some different perspectives about the amount of legislative auspice we need to have around this very tender area of family, I do have to say that my experience thus far has been that the pieces we have in place are maybe not perfect.

Bill 155 is a bit of extra opportunity, I guess, if you want to call it that, for there to be sanctions against spouses who are not paying their appropriate support. However, and I think I've said it already today and I'm sure I will say it again and many of my colleagues will say it again, this system that is a mess and has been a mess for quite some time will not be fixed by more legislation. What it's going to take is a real commitment to staffing, a real commitment to staff training, and a real

expedited implementation of new technologies within the department.

Unfortunately, on all accounts, it doesn't look like the government is prepared to put the things in place that are necessary to make any of those things work—not only Bill 155, when it eventually gets passed, but the existing legislation that it's trying to add upon. We need to deal with some of those fundamentals, and the way the government has chosen to deal with them is by doing exactly the opposite of what is necessary, and that is, laying off 120 staff people in that very department.

1610

I have to say I don't get it. I understand the bill, although the critic for my party calls it a bit of fluff—and maybe it is—but there are a few extra things in here that might be helpful. The problem is, they won't be helpful if you don't have the tools to enforce them.

The Deputy Speaker: The member for Haldimand-Norfolk-Brant has two minutes to reply.

Mr. Barrett: In reply, I'd like to thank the members who have contributed to the debate. I'm looking forward to hearing a speech from the Liberal side this afternoon. I know the member for Burlington will be on deck shortly.

I'm not only thanking people who are contributing to the debate this afternoon, but I would like to thank the staff who work at the Family Responsibility Office, given the tough circumstances they find themselves in. It was made mention this afternoon of chaos in the Family Responsibility Office. Over the last 10 years, we have been dealing with staff members at that office. They have relayed to us some horror stories, and it's obviously incumbent on us as representatives, and on the government, to do a better job. These people do a tremendous job given the circumstances, and perhaps a better bill or a better approach would serve them well so they could do an even better job and maybe one that's a little easier for them.

I mentioned horror stories. People in the FRO talk about court orders they receive that are virtually unenforceable because they weren't written properly. They're useless. It was mentioned that our children need government to set an example. Perhaps the member opposite was referring to the present federal government—I don't know—but it does suggest to me that, if we're going to look at hunting and fishing licences and other licences, we may want to take a look at the relationship between delinquent payers and the fact that they file income tax. Perhaps the federal government could help out on that angle.

The Deputy Speaker: Further debate? The member for Timmins-James Bay.

Mr. Bisson: Well, thank you very much, Mr. Speaker. I'm so happy to be here with you today, and all my colleagues in this Legislature. It is always a good day to come here and participate in debate on behalf of the good citizens of our riding.

I want to take a bit of a serious note in this particular debate and say that some of what I have to say will probably be misunderstood by some, but I want people to

understand at the outset of the debate why I make these comments. I have become increasingly frustrated with the whole issue of separation and divorce as they affect our society and, more importantly, how they affect the kids and the extended family. We have seen in our constituency offices so many people come in where there is no longer a functioning family as a result of separation and eventually divorce because of the confrontational aspect of our system as it applies to separation and divorce.

What happens today? A man and woman don't get along and, for whatever reason—we're not going to get into the details—they decide they want to separate. They go and see lawyers, normally on one side, so the other guy has to see another lawyer. Then, all of a sudden, the backs come up. The guy says, "Well, I'm not giving her nothing. I'm going to get a good lawyer and I'm going to block her." Or the woman says, "I'm going to get that creep for what he did to me. I'm going to get a good lawyer and I'm going to get him."

There are all kinds of wonderful people in the legal profession. I don't want to cast aspersions on lawyers, because MPPs are not too far behind, if you know what I mean. But I just want to say there is a confrontational system in how we deal with separation and divorce as it gets to the courts, and, as a result of that, we see judgments in the court that are sometimes completely out of whack.

I want to give you a couple of quick examples of things I've noticed, and I'm sure members in this House can all do the same.

I've got a guy who comes into my office who's in arrears with FRO and has been in arrears for about a year and a bit. The issue is that when he and his wife separated, she was really peeved at this guy and got herself a good lawyer. God bless; she's entitled to representation. But when he went to court, he didn't have money for a lawyer. As we all know, legal clinics won't represent him—not legal clinics. Jeez, help me out.

Interjection: Legal aid.

Mr. Bisson: Legal aid. Sometimes we lose terms. We deal with terms all the time.

So this guy had no representation. He didn't feel he needed a lawyer. He felt that the lawyer he had gone to see was really going to stir things up and he decided to represent himself. Also, he didn't have the money, to be quite blunt.

The judgment was made on the basis of him working overtime at a plant when there was construction. He worked in a waferboard plant. The plant was in the middle of construction, so there was all kinds of overtime. When the judge made his order of support for his children and ex-wife, it was done on the basis of the money he was making while there was overtime. Most of us have worked in the industrial sector, and we understand that you can't bank on overtime. Try to buy a truck on a four-year payment plan on overtime and you're going to lose your truck at any time during that four years.

What happened to this guy is that the overtime ran out and he went back to his regular wages, and the support he had to pay was unaffordable; he couldn't do it. By the time he paid his rent—this guy literally disconnected his phone and his cable, got himself a really cheap apartment, like \$300 a month, and paid for his food. He got rid of his vehicle and was carpooling to work. He had no assets—nothing. This guy was virtually broke. He ended up in arrears because he was not able to pay the amount that was awarded to his ex-wife and his kids on the basis of his working overtime. When his wages dropped, he went into arrears. Then FRO comes in and says, "Now we're going to garnish you." Right? That's the way the system works.

It gets even worse. This guy ended up getting laid off for a short time because of something that happened in the plant and he really ended up in a bad mess. Here's the problem: He can't get back to court to get what's called a variance on the order, for the judge to say, "Let's look at your new financial situation and establish what your level of support should be and backdate that to the time your wages dropped." This guy literally almost put a gun to his head. When he came to the meeting in my office, he fell on the ground and talked about what he did the night before, and that was to look at the end of a 12-gauge. That's where the guy was at.

Trying to fix the FRO to have a more severe collection policy isn't going to fix the original problem we've got, and that is, how do we deal with issues more fairly when it comes to separation?

This is why I was saying I'm going to get into a little bit of trouble. I'm a New Democrat and people probably don't expect me to speak to this issue, but I will. I think we need to look not just at the enforcement side but we also have to look at how the process of separation and divorce works. I would favour that one of the standing committees here at the Legislature be charged with the job of looking at what can be done to redraft the various provincial laws and statutes that deal with the issue of separation and divorce. There are a number we have to deal with.

One of them is that we should be looking at mediation. In cases where there has been mediation—this is an established fact—there has been a much better, much more amicable separation between the couple. Who are the winners in that? The kids. What I've seen in almost all cases under mediation is that there is still a relationship between the husband and wife to the point where the kids still get visitation. If they're awarded to the wife or awarded to the husband, the family is still somewhat semi-functional. More importantly, the grandparents on both sides still get access, which is a whole other issue. Imagine being a grandfather or grandmother, or an aunt or uncle, and all of a sudden you lose access to this child you love.

We need to deal with these issues in the context of the modern family of today. The reality is that there's a lot more separation than there was years ago. We need to look at how we deal with extended families. We have to

look not only at the issue of who gets custody and making sure that the opposite partner has access; we also have to look at how we deal with the question of support so that it's fair.

Yes, I agree. I'm a father, and if I had left my wife or my wife had left me when our two daughters were young, darn right I'd have had to pay, and if I didn't pay, darn right FRO should collect. I have no argument with that. But we need to do what's fair and affordable for both parties, because what you end up doing in some cases is making it difficult for the person to keep current with the payments because of the situation they might be in.

1620

Somebody just gave me a note. My wife would never send me a note like this; she loves me. At least, that's what she said 28 years ago.

I think we need to take a look at the laws that deal with separation and divorce. I would argue that this bill, although not a bad thing—I'm not going to stand here and say, "This is a terrible bill. It's the worst thing that's ever happened to the province of Ontario." My point is that it misses the point. You can make it a lot tougher and give more authority to FRO to enforce orders of payment, but at the end of the day, if the person can't pay because they can't afford it, you're no further ahead than you were when you started. I would argue that we need to take a look at that in this Legislature. I would bet that the feds have to do the same because, for example, the amount of money that's given in separation and divorce is based on the federal guidelines. We need to get the federal government involved in this as well. It's not entirely a provincial jurisdiction.

I support some of the measures in this bill, but on the other hand, I'm very fearful because I know what's going to happen. I'm going to have more people come and knock at my constituency door, as you have, and we'll find ourselves in the position of being where we were with this particular individual.

I've got another case I have to talk about. That one is another one that's just amazing. What ended up happening is that there was a separation 15 years ago, I think it was. In the documents of separation, the court documents, it dealt with the issue of the pension. The pension at the time was left with the man in this particular case. Basically, assets were divided in half. He gave her what she was entitled to. He paid support for his children when his children were minors, and when they became old enough to go to college and university, on two different counts, he did his responsibility. No argument; he did exactly what he had to do.

Fifteen years later, as the guy's coming up to retire—he's about a year away from retirement—his wife goes to court in order to get half his pension. The reason is because she hates the guy. That's really what it came down to. I've dealt with both people on this particular one, because in small towns we get to know each other. Yes, the guy did some stupid things when he lived with her; it's not entirely her doing. But how we end up in court and how we drive these things is sometimes pushed by

lawyers to the degree that I wonder who gets served best in the end.

So I say yes, we need to have the ability to go to court in some cases, because mediation won't deal with it all, but I think what we need to do is try to encourage mediation where possible. We need to take a look at our provincial laws so that they're more in keeping with today's society, so that we don't end up separating kids from their grandparents and uncles in the case of separation. Then, where we need to enforce separation orders, of course you have to have laws to do that, but I think you can't do one without doing the other.

The Deputy Speaker: Questions and comments?

Mr. Khalil Ramal (London-Fanshawe): I'm privileged today to stand up and speak in support of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996.

I believe it's a very important move from the government in order to reform an important area. All of us across the province—all of the offices from both sides of the House—are faced with this on a daily basis. Certainly in my office in London-Fanshawe, I have a person, my assistant Steven Rollason, who's in charge of that area. He receives at least one or two calls a day dealing with issues concerning the Family Responsibility Office. It's an important area, because so many families are being neglected by a father who has left the family and kids without any support.

I was listening to my friend from Timmins-James Bay when he was talking about an individual who'd been abused by the system, according to the story. I know there are sometimes exceptions, but let me tell you, I believe that the Family Responsibility Office, if you've been dealing with it, is fair. They deal with the issue in a professional fashion.

I think we have to work a lot in order to reform the whole area, and I agree with my colleague too that this is a very important and crucial time. Sometimes people pay for it, especially a man who cannot afford to pay whatever is being imposed on him. But let me tell you, we have to do something about this area because so many people run away from their kids, run away from their family, cross the border or work under the table to hide their income. Then they won't be obligated to pay their due to their kids or their wives.

I'm honoured to stand up and speak about this issue, and I'm looking forward to all the members in this House supporting this because it's a very good move to reform it and to invest more money in the technology to do it.

Mr. Norman W. Sterling (Lanark-Carleton): I note and agree with many of the comments my friend from the north talked about with regard for this legislation. Having practised family law a long, long time ago, I realize the problems associated with orders that have been made in the court and are not necessarily reflecting the present circumstances. This bill does something to address that by giving the director some additional powers. However, this bill is still lacking in a lot of ways, and I say that, particularly, having chaired the public accounts com-

mittee and reviewing the FRO. The Family Responsibility Office needs to examine its overall mandate: What do we have this particular office there for? I would say its primary task is to collect money or to ensure that money gets into the hands of people who have unfortunately suffered because of a separation or a divorce.

The problem this government has with this office is that they refuse to look at a \$500,000 report that the former government ordered—it's in their hands—examining the BC system. The BC system has much more success than the Ontario system in collecting money from people for kids who are in a situation and need money, with a single spouse.

This act goes partway. Some of it, I think, is ineffective. But the government has failed to examine and look at the whole situation, and I think that's really where the fault is in this whole system. This will not fix the problem we presently have.

Ms. Horwath: It's my pleasure to make some comments on the debate by my esteemed colleague from Timmins-James Bay. I have to say that although my colleague spent some time talking about the details of various types of situations that eventually find themselves in a support order or in the system, or the quagmire, as it currently exists, of the FRO, I think that many would agree—and I think even the comments of the previous speaker reflect—that the big concern we have is not so much the details, the extras, that Bill 155 brings into the realm of enforcement pieces, but rather the actual, specific, on-the-ground things that need to be done by the government to make the legislation work, whether it's Bill 155 or the existing legislation.

The bottom line is that it is a quagmire right now, through no fault of any individual, I think, but certainly through the fault of governments that refuse to recognize that they have to do some very basic things, and those include the hiring of staff, as opposed to the laying off of staff, which is unfortunately the way the Liberals have decided to go, and the upgrading of technological equipment—unfortunately, the Liberals are deciding to upgrade with the likes of Accenture or Andersen Consulting, the same group that made a huge muddle of the welfare system in terms of technology. I think this bill will do nothing necessarily bad, but unfortunately, nothing necessarily good. I think that for the sake of families out there across Ontario who need to have a strong office of assistance to help them with their support orders, Bill 155 doesn't do the job.

Mr. Dave Levac (Brant): I'm going to try to get as many of these covered off as I can, so I'll be as quick as possible.

The characterization we've heard from the NDP on several occasions is that there are going to be massive layoffs in that department. That's not a fair characterization.

1630

As the Chair of Management Board—and anyone who does payrolls—understands, union contracts, as with anything else, make the dictate that you set out what your

plan might be. He has not pulled that back yet; so it depends on the budget. So it's unfair to characterize this as getting layoff notices, and I really wish they would make sure that characterization stops, because it's fear-mongering.

The member from Timmins—James Bay does give us some challenges that I believe are legitimate when he talks about how we can start to prevent some of those problems that exist in the FRO. It would be very wise of all of us to start looking for ways in which we can improve the system. This government and the previous government took some steps to try to get the courts to start to deal with reconciliation and these ways in which we can bring people together in centres and start to have the discussions for the value of the kids.

The member from Oshawa does have a challenge out there about how the licensing process goes and its legitimacy. I think the tweaks need to be there in order to improve it and to use it. He also acknowledges—I think I've gotten nods from him on occasion—that when you try to tell somebody they're going to lose their fishing licence or their hunting licence, they sure as heck pay attention. So it might be one avenue in which we go.

The member from Haldimand—Norfolk tries to tell us that only the rural areas have fishing licences and hunting licences. This is across the board. This is a mammoth situation where we would be sending some signals loud and clear about that.

The member from Lanark—Carleton has indicated to us, or I think he's saying, that he doesn't believe this particular bill is going to be very effective at all. I still say to him that we do have companion pieces of legislation, that this isn't the be-all and end-all. One point six billion dollars not being collected is not acceptable; 250,000 children not getting their say is not acceptable. We need to take some steps to correct that.

The Deputy Speaker: Member for Timmins—James Bay, you have two minutes to reply.

Mr. Bisson: Voilà. I'm here. Excuse me; I was talking to my colleagues.

I want to thank the various members for commenting and end it on this note. Again, I don't not support what the government is attempting to do by way of some of the reforms at the FRO. They're probably not some of the ones I would choose if I were the minister, but we'd send this thing off to committee, we'd take a look, and I'm sure the government would be prepared to make some amendments if better ideas were brought forward.

I do want to make the point that it's a little bit like trying to close the door after the horses have run out of the barn. The problem is that we have a very confrontational system when it comes to separation and divorce. Often, unfortunately, the kids are the ones who are caught in the middle, and the extended family—by that, I mean the grandparents and aunts and uncles—lose access to a grandchild or a nephew or niece.

It seems to me that one of the things we should be doing is saying, "Let's recognize that these laws were written a long time ago, at a time when our society was

very different than it is today." There are many more extended families as compared to 30 or 40 years ago. What we should do is not walk into this blind and have the minister draft a piece of legislation thinking they've got it right. We should refer this thing to a standing committee and say, "Let's charge a standing committee over the summer or next winter with the idea of looking at all of the current laws, using the full facilities we have here at Queen's Park with legislative research and others to look at what the various issues are, and having some public hearings." I imagine they would be quite animated. Then we, as legislators, could go away and do our work in saying, "How do we set up a system that allows for a more amicable way of separating people than what we have now?" Maybe when we do that there will be less of a need to have stricter enforcement methods through the FRO. I think it's a suggestion the government should take.

The Deputy Speaker: Further debate? The member for Burlington.

Perhaps I could just explain that there was an agreement earlier that the official opposition could stand down their leadoff until the critic was available. Therefore, member for Burlington, you have up to one hour.

Mr. Cameron Jackson (Burlington): Thank you very much, Mr. Speaker, for that explanation for my colleagues in the House today. I was rather busy doing Bill 118, the disability act amendments, for the last few months, every Monday and Tuesday. It just seemed that that's when the House leaders had scheduled. So I appreciate the co-operation of the House leaders to allow me a little bit of a grace period before I commented on this important legislation.

Let me begin with those things that I think all of us in this House can agree upon, and then, in the process of discussing this important issue, perhaps focus on areas for improvement which, in and of themselves, represent the differences and the subtleties that may exist between political parties. But I believe there is a whole series of things we can agree on.

Perhaps my first introduction to support and custody issues emerged out of legislation that was born in minority government in 1985-86. That was a very interesting time for most of us, because legislation in those days required two political parties to agree or nothing got accomplished. It was a unique experience when you were crafting legislation. It made sure that a bit of a check and balance went into some of the legislation.

I distinctly remember that the province began its reforms in the area of support and that the legislation was deemed, back in those days, to be very, very harsh. This is not an oversimplification: A disproportionate number of persons paying support in this province are men and a disproportionate number of spouses who are raising their children outside of that marriage are women. I'm not going to comment beyond that, other than to say that that support became very much an issue for men who were called upon to make these payments. I remember the period very well. The Attorney General of the day

brought in some pretty tough legislation for its time. Today we would look back at that and say it wasn't nearly as tough, and I would agree with that. But for its time, it became an important issue.

The *quid pro quo*, some months later, was in the issue of custody and access. Custody and access have historically been separate, in terms of legislation. Obviously, those lines have become a lot less clear as the process of separation and the disposition that our courts provide in how they protect children and how they support the spouse responsible for the direct care and raising of the children and the responsibility of the other spouse to provide the payments and the financial support to ensure the health and safety and success of those children—and the spouse whose primary responsibility is to raise the children.

So what we've seen over the years is a very interesting evolution of this file. It has evolved in a way that has caused a lot of concern. It has caused concern because a growing number of families find themselves in the predicament that the support payment isn't coming. A growing number of families are having to adjust to a separation or a divorce, where—again, it's a general rule that the quality of lifestyle is severely reduced as a result of a separation. These are matters that are not lost on either the children, who are sensitive to this, or the remaining spouse. There is a whole range of challenges that those individuals are faced with.

I'm saddened to say that, even after this number of years, I'm still coming up with cases I hadn't even quite thought of, yet they're pretty clear if you try to put yourself in the shoes of a spouse who is trying to raise their children without a consistent level of support payments.

The one that came to my mind recently was the inability of a woman to rent an apartment because she couldn't prove the income that the court order provided for her, because the other spouse was not making the payment. She didn't even have a document that could prove she had an income. All she had was a legal piece of paper. That, apparently, after I did some checking, didn't even qualify the individual to rent an apartment. That Catch-22 is particularly harsh, because the woman in question has two daughters, both under the age of 11. Their father, for a series of reasons, was no longer with the family. They weren't even going to accept the assets she might have had that were going to be the subject of the dissolution of marriage.

1640

The first thing I want to say about this legislation is what I said the day the minister tabled it in the House, and that is, it's important that we continue to look for ways in which to make the system better as it relates to responding to the needs of children and to the principle of fairness and of a timely receipt of these funds, and that the Conservative caucus, under John Tory, would be more than willing to work with the government to look at positive amendments that will move this agenda forward. Now that this legislation has been opened up, we are able

to amend various other sections of this legislation. The case I just referenced should be a trigger to legislators that there is something that should be done in order to ensure that individuals have access to housing.

I'm told I have a case in my office where a family required a specific report from the FRO that would confirm her level of income and was unable to get the report from the FRO. For reasons like that, the individual is unable to rent a premises, and they generally fall back on women's shelters, second-stage housing, the charity of churches and a whole series of other things that persons with no visible income have to do in Ontario in order to survive. But I'm sure that, during the course of the committee hearings that will occur as a result of Bill 155 going out for public hearings and discussion, we will see a series of amendments being considered.

If I were to characterize these reforms, I would probably indicate, given that this was a large issue for the minister while she was in opposition and given that it was a very clear promise made in their election platform, that the government would have come forward with some initiatives that, first of all, resembled the promise they made and, secondly, that would have some teeth in them in order to really move the benchmark along to help the system become less technically difficult and a more simplified process that allows for the transfer of the funds in a fairly expeditious manner.

If I look at the actual Liberal promise that was made by Dalton McGuinty in his red book—I'm just going to quote briefly. This is Dalton McGuinty's promise to Ontario:

"We will crack down on deadbeat parents and make them pay up. Withholding family support payments is a serious crime. It makes the lives of single parents even tougher, and it hurts our kids. We will not watch children suffer while deadbeat parents shirk their responsibilities...."

"We will use innovative new techniques, such as Internet tracking, to find deadbeats and recover the money they owe."

Finally, it says, "We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more support payments."

That was Growing Strong Communities, the Liberal platform document, page 28.

There is a several-million-dollar price tag that is attached to this election promise. At this point, it's very clear to say that one of the questions we raise with the minister is to give us a price tag as to what the changes she's recommending in Bill 155 will cost. So far, we're disappointed to say that the minister has been unable to come up with these numbers.

Again, as I have stated on many occasions, I find it very hard to understand how a minister can take forward legislation without it being fully costed. I know when I was a minister, you were not allowed to bring in your slide rule to the committee that examined things before it went to the cabinet table. You couldn't even get past that stage unless it was fully costed, it was over a multi-year

commitment and the out-year costs were clearly set out. It was something that Management Board not only demanded but was successful in extracting. It's an essential way of making government accountable and of being able to manage your ministry's budget effectively.

The third big asset is that it allows stakeholders who are relying on the promises made by a government—that those are their expectations, that that's the amount of money committed. So in subsequent years when, all of a sudden, they're not spending that money, they have a benchmark year to follow and they can say, "Well, that project is delayed somewhat because we'll have to do it over five years instead of three years," and at least government and the minister could explain that. Here we are, months after the minister tabled this bill, which was back on December 2 of last year, and we still do not have a costing of what these reforms will be. So that's one of the concerns.

The second concern I have is the issue of the involvement of members in the discussions with our constituents who are struggling with FRO problems. Now, I'm not here to defend the record of the previous government. We did a lot of things that were not popular at the time. Taking a person's driver's licence away from them, their only means of employment, their only means of being able to get in a car and travel great distances to see their children, was a very difficult decision. We made that decision and we have upheld it. We have asked questions about the number of non-paying spouses who have had their licences removed, and we're having a hard time getting that number. Again, there's no sense having a rule if you're not going to enforce it. There's no real sense in setting out a promise that legislation will do something if in fact you're not going to enforce it.

We're going to get to this hunting and fishing licence issue. First of all, the fact that we have no technical way of doing it is not the issue. The issue is, if we're going to threaten to take away their fishing licence, this is not a tough new enforcement law if we haven't been doing a very good job, as the current government, in removing drivers' licences from these people. So everything is relative. If we're not doing a good job at that and if we're creating exemptions—and I'll be speaking to that in a few minutes.

It's the same with the issue of increasing jail time. Again, we've asked the minister for the number of cases and the duration, and we're not getting answers to that. Of course, we'll have some of that during the public hearings because, with the independence of a committee, they can request the researchers to go out and do the work that the minister is supposed to have done. There must be a reason why she chooses not to share that with the cabinet, with stakeholders and even with members of her own caucus, but I believe there is an obligation to share that information with an all-party committee that will do this review and the public hearings.

We started garnisheeing joint bank accounts as a first step—again, a very tough issue. We were criticized by the opposition of the day that it was inappropriate. But

the truth of the matter is, the hiding of assets and the shifting of assets is something that's been going on for some time. The system wasn't as focused on impoverished children and the importance of getting the funding to the children through the FRO payment system.

There are other issues here that flow from the previous legislation. The cancelling of the regional centres is something that's been going on in a lot of departments—a centralized process. We know we have been criticized—the current, the past and even the preceding government—with respect to our ability to manage this portfolio. I want to say, for the record, that there has been a lot of positive work done by the short number of staff who are currently at FRO, under very difficult circumstances. Our office is particularly active in these files, and we have a fairly strong working relationship with the FRO. I have several cases here—I won't be putting the name of the family into the record, of course, but I've got several of these that just defy logic.

1650

I have a case here from February 26 of last year. We have confirmation from both the employer and the spouse that the amount of \$4,700 is available, it has been sent to the FRO but, for a three-and-a-half-month period, FRO was unwilling to release the money because the children spent a month with their father during the summer. It's quite nice that that happened, but they were unwilling to pay the \$4,700 in arrears because they weren't sure what the adjustment would be because the children spent one month with the father.

Our office got involved with this. We tried as hard as we could to bring to the attention of the FRO the importance of resolving this issue. We facilitated the signing of documents back and forth. What's at stake here, for a lot of these families, is not, "My son needs a new bicycle," or, "My daughter can't take her dance lessons"; we're at an entirely different level here. We're talking about, "We can't pay our rent. We're going to be locked out of our rental unit unless we can get access to some of this money."

One of them that I found absolutely incredible—and this is the theme that I think all government members should be aware of—is that, if you begin the process—let me back up. We know that the auditor and the Ombudsman have had a lot to say about the FRO. A lot of people contact the Ombudsman. At first I was very concerned about this, but then we had our first case some months ago. There is a rule now at the FRO that if you are engaged in any kind of discussion with the Ombudsman's office as a spouse who's seeking their support payment through the FRO, all contact with an MPP and their office shall cease and desist.

Perhaps, as I've done in the past, I should have risen on a point of privilege to say, "How can one government agency say, 'You can no longer seek the assistance of your MPP'?" Frankly, I find that very difficult. When it was attempted in a court order years ago, I was successful in having that court order reviewed and turned over, that you can't specifically go to the courts saying that a

person is barred from talking to their MPP. We should have no stock with this, anywhere in our province.

One can't help but think: Who came up with this incredible idea at the FRO that if you're talking to the Ombudsman, you can't be talking to your MPP? Why? Is it an efficiency move so that they don't have to handle the paperwork at both ends? Is it a convenient way of getting off the hook? It's not that many weeks ago that we in this Legislature were treated to a document that was floating around, dealing with children—as is this bill—that MPPs on the government side are not to speak to parents about the autism file; they're to refer them only and solely to the minister. The memo also suggested to Liberal members, “Do not speak to the media; refer all those calls.”

We know that the FRO is a challenging file and that there are cases that need our intervention. As I say, my staff, to their credit, handle a lot of these cases, which we vigorously pursue. I have a printout of one of my files—it's three full pages—of the phone calls we've made on their behalf for all manner of administrative glitches which have caused the transfer of funds to be delayed, in some cases unnecessarily and in most cases for an inappropriately long period of time.

This whole issue around informing people that you must make a choice: “Either talk to your MPP, who will then track us and keep us accountable, or just talk to the Ombudsman”—I think that's a matter which the minister should clear up. The minister should provide some leadership to say that this is not a Catch-22. This is a convenient way of separating and distancing yourself from problems that seem to be unmanageable. Certainly, the challenges in the FRO historically have been that—extremely challenging—but I don't believe that one of the ways to make them less challenging is to cut off your contact with your constituents and/or with the office.

Having said that, the people whom we deal with at FRO didn't come up with this decision. This was a decision made by the deputy minister or the minister or a combination thereof. But the bottom line is, there's a growing number of cases that can be corrected rather simply if they're dealt with in an expeditious manner.

I want to walk through a couple of the things that are contained in this bill. Let's deal with this first one: “We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more support payments.” That clearly is a broken promise from the Liberals. We can add that one to their list, because that is not what's in this legislation before us.

Here you have the legislation. This is the most substantive change they recommend, and it's not included. I guess it was somebody sitting around a caucus room or sitting in the minister's office, or maybe one of their junior junior assistants saying, “Why don't we cut off another licence?” One of them naively might have said, “What, their marriage licence?” “No, that really won't work.” Right? “Oh. That's it. We'll come up with fishing licences. Let's deny them their fishing licence.” Boy, is

that ever going to stop a whole lot of people in their tracks who now, all of a sudden, will give up fishing. Frankly, everybody should have a fishing licence who fishes, but we all know that a lot of people don't.

Secondly, in the computer system, as my colleague from Oshawa has clearly put on the record, there is no real capacity. The wardens who are out—they're wardens, right?

Mr. Jerry J. Ouellette (Oshawa): Conservation officers.

Mr. Jackson: Conservation officers; I'm corrected by my dear friend from Oshawa. The conservation officers are not equipped with computer systems like an OPP officer would have in the console of his car to check licence numbers. I have a fishing licence which I buy every year, thanks to my dear friend Walter Oster, who manages the Sportsmen's Show and is responsible for the Great Ontario Salmon Hunt and other things. He's a devoted fisherman and promotes this everywhere across Canada. I, too, have come to appreciate its importance. But at this point we're looking at: Can the legislation purport to do what it says it will do? There are many of us who feel that it can't do it.

However, they had to have something to put in this legislation because Dalton McGuinty said, “We will pursue aggressive enforcement measures such as suspending driver's licences for anyone missing two or more payments.” I guess, after someone convinced them that they can't do that—and we don't know who that individual or groups of people are—then came the question of, “We've got to discuss this issue. The public isn't going to buy that we're going to be able to collect millions and millions of dollars in arrears because we threaten to take away their fishing licences. We've got to come up with something more.”

So somebody came up with this idea that now we're going to double the length of stay in jail for these individuals from 80 days to 160 days. These are maximums. At the time, when I referenced the minister, I said, “Why would you consider maximums without minimums when the practice of putting someone in jail for non-payment is very minor, the number of incidents is very minor and most judges look upon the practice as not being helpful to the process?” They recognize the law, but they don't see it achieving the public policy end that they thought it would.

1700

So again, I've asked the government if they would give us the statistics on not only the number of spouses who have failed to make payments to FRO, and who have—Zoé, I think the Speaker would like a glass of water.

Interjection.

Mr. Jackson: Well, you couldn't even speak, Speaker, so somebody had to. You get your vocal cords back while I continue.

The concern is that we've asked the minister, “Can you show us the statistics? Can you help us understand how changing it from 80 days, which we're not enforc-

ing, to 160 days is going to somehow cause more and more people to make the millions and millions of dollars in payments that are owed?"

Then the legislation goes on to make another distinction. This one offers some concern for me. This one talks about the issue of, once you're in jail for serving this time, you can't use the courts and the current system of early release to your advantage. Again, perhaps it's the sensitivity with the recent Karla Homolka case and the issues around the almost inappropriate time in which the government seems to think it's important that someone serving jail time must absolutely be held to the full, maximum level of the law. Are we doing that with the pedophiles? No. They get a third off automatically, a third off for good behaviour, and they only have to serve a third. Are we doing it for rapists? No, they get a third off automatically, a third off for good behaviour, and they're out in a third of the time. Are we doing it for bank robbers? No. Are we doing it for all manner? However, for some reason, the Liberal government of Dalton McGuinty seems to think that putting someone in for 10 days for non-payment—it had better be the full 10 days; it had better not be three days. They must have some statistic out there that they're not sharing with us that somehow it's incredibly important that these people serve their full term.

Now, I'm not going to second-guess the merits of sending somebody to jail for non-payment. I've spoken with enough families in my constituency office who are suffering as a direct result of non-payment. What I'm questioning is that you're going to double the jail time and there will be no hope of playing with your early release. I have trouble where the government can't even show us the statistics of the number of people who are going to jail for this. Not only should we see that statistic; we should find out if that penalty is resulting in the collection of more money, and if more money is going to the family. But we can't get anybody to tell us that. We can't get anybody to explain that it's actually working. Why don't you just say, "We'll do it for 265 days, and you can't even get out on weekends"? You can say anything you want in this legislation, but if judges aren't reacting to it and they're not enforcing it, if the government doesn't have statistics to explain why they're doing it, we on this side of the House are left with the clear impression that this is yet another example of something that really looks good on paper. It really looks good when we're explaining to people why they have broken their promise that Dalton McGuinty made before the election: "We will pursue aggressive enforcement measures such as suspending drivers' licences for anyone missing two or more support payments."

Apparently, they had research that told them this was a terribly good thing. Apparently, they probably had advice from groups who said this was an important public policy initiative and that it would net real results. But after they were elected, this apparently didn't become very important—fishing licences were. Very few people do go to jail in this province for non-payment; very few do. They

can't tell us the number; they can't tell us how long they're in for. Apparently, by saying to judges, "We're going to take a section of the Criminal Code and we're going to double the maximum"—there's no direction from the Attorney General's office to explain why, even though this file was held for many years in the Attorney General's office. We're left wondering the purpose of putting that in this legislation, other than to have an important filler in a piece of legislation that says it's going to get tougher, but we're trying to find out how it gets tougher.

There are some other sections of the bill that are there to benefit the paying spouse. All legislation should be checked from time to time to make sure that what the legislation purports to do is being done. I'd be less than candid if I didn't say that I know of cases where the circumstances of a family have changed but they just didn't get around to telling the paying spouse about those changes. So the government has put in a couple of sections, and I quote right from the minister's statement, "allowing the FRO to cease enforcement of child support when a recipient doesn't respond to the FRO's inquiry about ongoing entitlement to support." It gives an example: "If the order suggested that the payer pay while the child was going to school but" everybody—the minister actually said, "God and country"—"knew that the child wasn't going to school any more, yet the recipient wasn't responding to inquiries from our office and of course the payments were continuing to be taken" from the spouse "even though everybody knew it was inappropriate, we will now have the opportunity to go in and make that kind of change without having to start a whole new circle through the courts again, at a great deal of cost, usually to the one side who is seeking to get that changed." And it goes on.

There are some things in here, when I read what the minister said there, that just made common sense. If your records indicate, through your various investigations, that the children are no longer living with the one spouse, you would make the adjustment. What causes me concern is that this raises the issue that the minister referred to about the cost of going to court. I want to spend a little bit of time on the cost of going to court, because this issue is of great concern to all of us. For those of us who are visited in our constituency offices by families—we do take the time to sit and listen to their stories and their concerns—we talk about each of the various levels where their support and/or custody order has to be modified. It's bad enough that the FRO requires so much of that to occur in the court system; there's almost too great a reliance on the original order and our inability to modify that between two agreeing parties.

I guess one of my concerns, expressed by a whole group of people who have been to the Legislature, not too recently, who are themselves the subject on both sides of this equation—the spouse who is raising the children and is the recipient, and the spouse who is no longer with the family but is the payer—is the fact that the legal costs and the court fees and the legal bills to pay a lawyer to

manage these files are extremely, extremely expensive. And it is invariably—almost predictably—inundated with remand after remand after remand. One of the opportunities that exists in this province is to have a lot of the substantive legwork—completing of forms, presenting them to the courts in a timely manner, modifying support orders, filing them with the courts—being done by paralegals, and they do that work at considerably less cost.

1710

There's nothing in this legislation that, at the outset, reduces the amount of involvement in the courts, save and except this one section that I just referred to, where the minister says, "We should be able to modify an order for someone who's paying when the child is no longer in school."

But I'm concerned. We heard from the Attorney General late last week that he is anticipating bringing forward legislation to trim back the activities of paraprofessionals in this province. He has, on many occasions, quoted a document that was partially prepared by a highly respected individual who himself has a legal degree, who is recommending that paraprofessionals, paralegals, not be allowed to be involved anywhere in the process dealing with support and custody matters specifically, and family law matters generally.

I consider this to be a huge problem. If you look at both parties who are seeking to make a modification in the courts, there are a couple of things that the average payer and the average recipient have in common. Both have very limited resources. It's no secret that two people living under one roof is far less expensive than two people and their families living in two different residences and having to transport children back and forth, so a disproportionate amount of their costs is now going to their dwelling and transportation costs. Then you add on top of that these huge legal fees that again, frankly, would be worth it if they could resolve issues and move things along. Unfortunately, I'm sure you've had cases where it's been before the courts four, five and six times because her ex-husband's lawyer has indicated there's some new information and they need another date; meanwhile, the payments are still sparse and insufficient. There are cases on the reverse, where the payer is seeking a modification because they have actually increased their support in certain areas and they've taken on additional responsibilities for their children and they're not acknowledged in the order.

I caution government members that this issue of excluding paraprofessionals and paralegals from assisting persons in this province to seek judicial remedies for concerns they have in family law court generally and specifically in support and custody matters is a very serious issue. I would hope that in the absence of the Attorney General having an open mind—and he's entitled to be close-minded on this, since he is himself a lawyer and a member of the bench, and one might reasonably argue he has a difficult conflict of interest, to be fair to the minister, an unavoidable conflict of interest. I won't impute his motive beyond that, but it's an

awkward position for a member of one profession sitting in judgment over another. I think that sort of begs the question as to the ability of the government to proceed on that basis.

I had raised a couple of other concerns with this legislation. They talk about posting the names of people on Internet sites. Now, I'm not 100% sure how this works. I know that golf and country clubs have been doing it for years; if you're not paying your bills, they'll post it in the clubhouse, and I'm told it works with some degree of success. But I'm not sure I've seen anything from Ann Cavoukian, Ontario's privacy commissioner, in this regard. I think it would give great comfort to everyone in the House this evening if we were to be informed of her position in this matter. She may have taken one, but I have yet to see it. That doesn't mean it doesn't exist; it just means that it hasn't found its way on to my desk.

There is the issue of certain employers and certain classes and organizations being informed that the non-paying spouse is in arrears. I know that when we were the government, if there was an appointment before one of the ministries and that individual was in arrears in their FRO payments, they were not allowed to serve on the thousands of different boards and commissions that exist in the province; we willingly solicit individuals to contribute in their communities. That principle is one that I think is worthy of support. The cabinet today, I'm sure, is still upholding that rule and is still making sure that individuals who are in arrears are not benefiting from a provincial appointment to serve on a commission or on the college of a medical practitioner group or any number of organizations.

But to simply say that we're going to notify employers and move that now to the larger class of professional organizations—I think it was the member for Welland-Thorold who said, "What does the government expect to achieve by letting the local Rotary Club know that one of their members is in arrears?" So again, moral suasion may work, but it's not a sure-fire remedy that we're seeking here. The remedy we're seeking is to be able to recapture funds that rightfully belong to the children and to the families for their support that are not finding their way to them. I'm not sure that that suggestion is going to actually come up with results.

The other question that was raised was on the current system of tracking individuals and the interjurisdictional difficulties that occur. The legislation before us speaks generally to using the Internet to try to track some of these people. To be honest with you, I didn't know we needed legislation in order for us, as a government, and specifically this ministry, to go and do a better job of trying to locate individuals. Many of the families I speak to say, "Look, here's the address, Cam. This is where he's working. That's his employer." But they don't have enough staff at the FRO to go over and meet him personally. Or they know he's there, but they haven't had the time to contact the employer. So again, if the bill speaks to the issue of employing other techniques, that's fine. But the auditor has identified concerns with the

ability to currently do the job and, as I said, the other issue is jurisdictional, when you cross over various jurisdictions.

It was the preceding government that drafted the first agreements with the United States. That's a great first step. That allows us to actually access some limited records. But I'll tell you, I'm currently working with a case in my community, which is deeply troubling, of non-payment of support and a custody order with two very small children. The judge, in her infinite wisdom—not to sound facetious—determined that the children would be best served if they could go every second weekend to a remote part of Pennsylvania. The judge actually came up with this brilliant idea that the mother should drive them halfway there every second weekend. She should present herself again to drive, late at night, put herself at peril, cross the border and bring her own children back to Ontario. I'll set aside the fact that we actually have a judge in the province who thinks this is workable. But the children are a mess trying to get to school and they're a mess trying to get out of school.

1720

There are other issues involved here. We've been trying to get access to the company records—we will get no support in that regard—so we can garnishee a wage. We can't do that in that jurisdiction. We've asked for co-operation between the police, because the gentleman in question has some violence issues with his new friend. Again, there's no linkage between the two police departments. Based on the evidence that has been attempted to be presented to the courts in Ontario, they've indicated that they don't have the resources or the time to pursue the matters in that state to ensure that at least we can modify access to the children, who are being put at risk in the environment to which they're subjected every second weekend in that state.

Is there anything in this legislation that gives any remote support or acknowledgement to this family? No, there is not.

The members of this House would be familiar with a couple of cases I've brought to the attention of the House involving the children's aid society and its mandate to deal with child protection issues. Here's a case where there are alcohol and drugs involved in the presence of the children—we know that; it has been documented—yet the children's aid society says, "You know, if this was occurring between Mississauga and Burlington, we'd be there in a New York minute. We'd be right in interviewing that family." But because it's across the border and outside their jurisdiction, they say, "We don't see this as a child protection issue." Again, there is an opportunity in some of this legislation in which we should be looking at these questions of how we better protect the children.

It creates not only the problem of the FRO and the collection but also issues around the courts and how the courts are dealing with custody issues. It's very, very difficult, let's be fair. Very few people are happy when they go to court on a separation to determine who gets

the children and who must pay. It's a very difficult circumstance. I've talked to the parents of a paying spouse who say their lives have been transformed and they can't live their life properly and they're nearly destroyed by not having access to their children. We realize that there are really, really serious issues out there that, frankly, are not being handled as well as they could be for all parties. To bring a bit of a band-aid or a tinkering around the edges with this legislation, in my view, is a tremendously important but lost opportunity to try to bring forward the kinds of reforms that we think will be more helpful to families.

Clearly, we're hearing from other individuals out there. The initial response from the recipients in the field was that they didn't seem to think the reforms contained in this legislation were going to be all that helpful. They were looking for commitments like that the government is prepared to increase the investment in the number of staff working on these files. We didn't hear that. We heard from the government that to reposition the computer system to make it more modern and more effective was going to cost hundreds of millions of dollars, and that's something that was not in the Liberal budget and was not going to be forthcoming.

In fairness, the minister's got an awful predicament on her hands. On the one hand, she has her bureaucrats explaining to her what she needs to get it fixed, and then she sits at a cabinet table where the treasurer tells her, "This is the amount of money you've got," and she sits at a cabinet table with the Management Board chairman who says, "Well, I know, but you're not getting anything unless you get it passed through me." This is a difficult environment in which to create the necessary reforms. The minister has at her disposal her funding arm, which she could use to help resolve parts of the problem, and she has her legislative arm, with which she can make changes to the law that will expedite collections in a fair, efficient manner. I'm fearful that this legislation falls remarkably short in this regard.

For that reason we look forward to the public hearings and opportunities in which to make this bill that much better. It will be filled with acrimony, as I said, from those who have had difficulty making their payments. We have those, in very large numbers, who will not be shy about articulating what the costs of non-payment have been to the health and well-being of their children, let alone their lifestyle.

There are a series of other issues that are buried in this bill that seem to make some movement and some recognition that there are issues. There's reference in the legislation to the notion that, "We're going to be checking the assets of your friends and your acquaintances." That's an awkward one to put in legislation, but if we work with the minister for a few moments, let's think this one through. The argument is that people who know they're about to separate have all sorts of ways in which they can hide their assets or hide their revenue and shield it from the spouse they are separating from or divorcing. That's one issue. But there is the ongoing pursuit of individuals

to pay their court-ordered payments, and we find that assets that were being sought no longer exist. I have not heard in any detail just exactly how the minister plans to do this, if we're going to take a payer, a spouse who is paying, and send in FRO police to look at the families—the mother and the father, and maybe a sister or brother, a neighbour. I'm really trying to figure out how this is going to work.

If we've got the resources to be doing that, then why don't we have the resources to do a better job of administering the dollars we are collecting? This is a fair statement to make for both the person who pays and the person who receives, by the case I shared from my own office. Here was a case where the impediment was the ability of the FRO to process in a timely fashion and not having standardized reporting mechanisms in every corner of the province, which is something that could have been improved upon and is in the process of being improved upon, so that the money that is being collected could be transferred as quickly as possible. Unfortunately, we're not specifically seeing anything in the legislation that speaks to the ability of the government to do a better job in this area. We're hopeful that they will, but at this point I can't find it in this current legislation.

I did talk about the issue of the Attorney General and his dim view of paralegals being part of the solution here, so I won't go much further with that.

I wanted to talk briefly about something I raised in the House several months ago. We do need some extra money put into the FRO; we know that. But we had occur in this last budget year by the Liberal government and the Treasurer, Greg Sorbara, specifically, the write-off of a historic \$214 million owed to the province of Ontario in various penalties and fees that were to be collected from persons who were not adhering to the law, and these were going into the victims' fine surcharge fund, the justice fund in the province.

1730

What was of concern to me is that, on the one hand, the government is saying it's going to go after deadbeat non-payers more aggressively. They're going to take away their fishing licences, which I don't think is going to have a great effect. They're prepared to bring in legislation for that, but by the same token, the very Treasurer who's responsible for giving Minister Papatello the money to do a better job has written off historic levels of fines that have not been collected. The irony and the paradox of this are not lost on many of us, I suspect.

It's of concern to me that there doesn't seem to be the political will to go after people who have broken Ontario laws. The government is responsible for collecting that money, and those funds find their way into supporting victims' groups. That political will is gone, yet we have legislation in front of us that says: "You know what? We're going to clean this whole thing up. We're going to get all these deadbeat spouses to make their payments, and you know how we're going to do it? We're going to take away their fishing licences." If we've got the political will to do the one, why aren't you consistent in

doing the other? I'm not suggesting that we write off these arrears. There are many families that would say, "If the government would just give me the money, you can write off the arrears of my ex-husband any time you want."

I wanted to make that point as part of today's debate, because it does beg the larger question of where the real priorities are for the government in terms of the effect of this legislation and their willingness to go after persons who break the law and owe the government money. That's why I made the point earlier about the fact that we're now going to use a notwithstanding clause, in effect, for persons who are not paying their spousal support, but we have an Attorney General who's not willing to apply the same principle to known sex offenders, pedophiles and persons on early release who are guilty of violent crimes in this province.

As I said in the House during the Karla Homolka resolution brought by my colleague from Leeds–Grenville, not once has the minister applied for this for any of those violent offenders, yet his very first application, in the 18 months he's been the minister, is for someone in a Quebec prison who he's known was going to be released onto the streets within a few short months. We now find out that the terms of the original agreement signed by the Attorney General of the day, Marion Boyd, specifically set out that the government of Ontario will not in any way appeal anything that resembles an early release or parole condition. I suspect the minister might have been better served to get up and say, "This is what the order says. Unfortunately, my hands are tied." That's not exactly what he said. We're still awaiting confirmation in the province of Quebec that the minister is actually going to do something there. Like all members of the House who are concerned about this issue, we look forward to his timely response.

This is an important piece of legislation. We believe it will make positive changes. It will help families receive the funding they deserve, and it works with those who have to pay. My fear is that this legislation is too general. It lacks teeth in areas where this government promised it would have them. However, we will keep an open mind and work with it in committee to try and improve upon it in the best interests of the citizens of Ontario.

The Deputy Speaker: Questions and comments? The member for Timmins–James Bay.

Mr. Bisson: And without his BlackBerry. Can you believe that? I'd point fingers at those responsible, but that's another story.

I just want to echo some of the comments that were made by my good friend from Burlington—I forget the name of the riding—

Mr. Jackson: Burlington.

Mr. Bisson: Just Burlington—because we're actually on the same page on some of the issues. Part of the problem I have, and I've said this in debate already, is that the need for enforcement is an important need and something that we have to deal with—nobody argues that—in cases where people try to skip out of their re-

sponsibility when it comes to paying support for their kids, their ex-family.

On the other hand, I think we need to take a look at dealing with the entire issue of how we get there in the first place. One of the things I spoke about and just want to echo a bit to see what the comments are from my good friend is that it seems to me like trying to close the barn door after the horses have bolted out of the barn. Part of what we need to do, I think, is take a look at all of the various acts that deal with separation, divorce and custody and try to put them into the context of the society we find ourselves in today. In many cases, those pieces of legislation were written 20, 30 or, in some cases, 40 or 50 years ago, and they've not changed with the times. We need to take a look at how we deal with the new families of today, how we try to put in place mechanisms to ensure that once there is a separation and eventually a divorce you still have some ability for parents and grandparents and others to still have access to those children so there is still a connection between them. I've seen, in cases of mediation where people have decided not to go to the courts, when, more times than not, that's what ends up happening because there's an actual discussion about how you divide assets, how you divide issues of responsibility for the kids in order to find a way for people to still talk to each other after the separation—it's good enough that mum and dad don't talk; bad enough when the kids are drawn into it. I think we need to deal with that issue in the context of today's society.

Ms. Deborah Matthews (London North Centre): I'm glad to hear the critic's response to this legislation. We've been debating this for a few days, and it's nice to have your comments on the record. I know that you take a real interest in doing this better. I don't think there's one person here who doesn't think we have to make major improvements to the Family Responsibility Office. We see it in our constituency offices every day. We all know that the system we inherited the day we got elected was an absolute mess and that kids and families were being let down.

This legislation is part of an overall plan to do a much better job when fulfilling our responsibility to the kids in this province. The important thing that we all have to keep in mind is that this legislation won't fix everything; this legislation is part of the solution. It allows us to do a better job of enforcing. The enforcement is the last resort, but sometimes you need strong measures to get compliance from people who are reluctant to pay for their responsibilities. So we are increasing the maximum jail term. We are making sure that, when people are committed, they stay in jail for that full period of time.

We're also making it easier to get the financial statements from the third parties so that we can ensure we get the information we need. We're going to report defaulting payers to professional licensing bodies so that those licensing bodies will know that their members are not in compliance with a court order. That's a heavy hammer, but it's one that we need to use. There's too much money that is not in the hands of the people in whose hands it should be.

The Deputy Speaker: Questions and comments? The member for Simcoe North.

Applause.

Mr. Dunlop: Thank you very much. I thought it was for Mr. Jackson or Ms. Matthews.

I'm pleased to be able to make a few comments on the member from Burlington's one-hour leadoff. He has been very busy in his other responsibilities here at Queen's Park. We're sorry that it was delayed until this particular point, but he brought in a number of very interesting points on the bill.

1740

Of course, we as members of this assembly all want to make life better for the children of our province. Obviously, we all have a responsibility and we would expect all citizens to fulfill those commitments to their families. However, with the negative things we hear about the previous governments, it will be very interesting to look at the results after this bill is passed. I'm assuming that it will be passed. We'll be looking at the accomplishments of this government and the standards they'll set. We'll have a good look at exactly what you will have gained with this legislation. I'm not so sure that we're going to see a lot of accomplishments made with it. They brag as though they're transforming the FRO, they're transforming health care, they're transforming hydro—hydro, where we saw about 90 volts the other day across the province of Ontario.

I've got some concerns about the legislation. We will be supporting this—no question—but we want to look at the standards and we want to see exactly what their accomplishments will be. We'll be keeping a very close eye on that in the spring of 2007.

Ms. Horwath: I wasn't sitting in the Legislature for the lead debate of the official opposition member from Burlington, but I was able to watch some of it in my office. I can tell you that he has brought a lot of interesting comments to the debate and spent some time on some of the details in terms of the history of what has been happening with the FRO and some of the specifics around how the system got to be where it is today.

I think we would all agree—all parties on all sides would agree—that the FRO does need a major overhaul and a cleaning up. When we look at how that can occur, we need to look at it in terms of not only the legislative arm, if you will, the legislation piece, but also the operational arm or the implementation piece.

If this government is serious in its desire to fix the FRO, to see it become the tool or the opportunity for people to ensure that support orders are enforced, then they really need to look to not only their staffing of those offices, the training that's involved with the staff who work there, but also the technologies. I know they're looking at the technology piece in regard to replacing the technology, but I have some really serious concerns about who's on that list of companies that are looking to bid on that particular contract—more specifically, the same company—under a different name, mind you—that caused significant problems with the welfare system in

Ontario, that cost the taxpayers of Ontario quite a bit of money and was a big debacle. I hope the government can find its way to look at those issues over the next little while, because I think that's what's going to help.

The Deputy Speaker: The member for Burlington, you have two minutes to reply.

Mr. Jackson: I appreciate the patience and willingness of the House to listen to the comments I had to share in the debate this afternoon. I appreciate the member for London North Centre's comments. I have known her for a goodly number of years and I would have hoped that she might have answered a couple of the questions I'd raised. Basically, they're statistical in nature. There's no trap in them. How many times have people gone to jail for non-payment of support payments? We can't get that number. What is the average length of stay? What is the success of that process? Is it working? Is it not working? If it's not working and if more and more non-payers are going to jail, then nobody wins. So we really need to get a handle on that. It's hard for us to think that going from 60 days to 120 or from 80 to 160 is going to be that helpful. There are lots of unanswered questions, and I hope the minister will find the time to share it with the House.

This has been an awkward bit of a debate because we haven't had that much input from the members opposite. They have contributed two-minute rebuttals when the speeches occur, but I would've hoped that they understand the issues and that they are open-minded enough to look at some of the changes.

I have to say, when the minister herself tabled the bill in the House, she spent a fair bit of her speech talking about the phones just not ringing. I don't know if it's because the FRO is saying, "Go to the Ombudsman's office and you won't have to talk to your MPP," but we're still getting a tremendous number of calls from our constituents, and, I suspect with this legislation, we'll continue to.

The Deputy Speaker: Further debate? The member for Parry Sound-Muskoka. I wanted to check to see if there was anybody else.

Mr. Norm Miller (Parry Sound-Muskoka): It's still my riding, Mr. Speaker.

It's my pleasure to join the debate this afternoon on Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997. Right off the top, when you see that this bill amends the Fish and Wildlife Conservation Act, you have to ask what that has to do with benefiting children and families with the goal of getting more payments through to families, and we'll get to that. Certainly the goal of this bill should be to make sure that support payments get through to the children of families that have split up, to benefit those children.

I'd like to go through some of the issues we've had coming into our constituency office—I've met with both the payers and the recipients of money in situations where there has been a split in the family—and some of the situations and issues we've had with the Family

Responsibility Office. Other members have talked about the antiquated computer system, and that has been an issue we've dealt with. It has created confusion and delays in updating payer and recipient information—for example, getting new orders and employment changes. We've had situations where support has been terminated but the Family Responsibility Office sent money to the recipient anyway, and then the payer had to take the recipient to court to get the money back.

There is certainly unnecessary red tape. We had a situation where the recipient knew of a federal pension but was unable to access it or there were lengthy delays in getting at the money. There was another occasion where the recipient couldn't provide the payer's social insurance number and the FRO said they couldn't use this information because social insurance numbers are federal.

It would be my suggestion that the Family Responsibility Office needs to communicate better with lawyers. It should be part of their mandate to provide continuing education bulletins or professional information bulletins to suggest clarity in the support orders or at least to explain how the FRO interprets the orders. If family lawyers can't spell out very clearly the terms of an order, this often creates a lot of confusion. For instance, when the order does not explicitly say to rescind arrears, then the payer would still be responsible for arrears despite an agreement to rescind.

Sometimes the payer can't get a lawyer. Legal aid doesn't make court matters a priority. We heard the member from Timmins-James Bay talk about mediation as being a possibility. If an order requires the payer to provide support while a child is attending school, the payer is required to give evidence of the child's school attendance. This should be the responsibility of the recipient, who should have to provide a letter from the school.

We've had situations in our constituency office where the spouse who is the payer has left the province, and that creates all kinds of red tape and challenges with getting payments through to the kids and the mother, who so desperately need it.

I think it's fair to say that more needs to be done to overhaul how the Family Responsibility Office operates and the kind of service it provides.

I would like to talk a bit about the specific bill, Bill 155. It has three main purposes: first, to strengthen the enforcement tools available to the director of the Family Responsibility Office—we've had some examples that I think aren't really going to make a lot of difference, and suspension of hunting and fishing licences is an example. I don't really see how increasing prison time from 90 to 180 days is going to benefit the kids. You have situations where the payer will go to great lengths not to pay. They're happy to go to jail to avoid making a payment, and I don't think it's going to make a lot of difference whether it's 90 days or 180 days.

1750

The bill would also involve disclosure of failure to make payments to professional organizations and licens-

ing authorities. It would allow FRO to obtain financial statements from the third party that is linked to the payer.

The number two main purpose of the bill is to improve the methods used for locating defaulting payers. Certainly, no one would argue that that is a good goal. It would involve information about the default payers being posted on the Internet—that might achieve some success—and it would help to streamline enforcement procedures. Income sources can make direct payments to the director of FRO by electronic transfer and they can be delivered to the recipient by direct deposit.

But I think we need to look at the real-life situation. I had a call just the other day from a constituent: the payer, in this case; the male member of the household. The situation was like this: The husband and wife split up back in about 1998. They didn't live in the riding of Parry Sound-Muskoka at the time; they lived somewhere else in southern Ontario. The husband left the southern Ontario location and moved into the Parry Sound area. In his absence—and he claims that there were no efforts made to find him—his wife went to court and got a court order requiring a fairly substantial payment per month. In the case of this particular individual, he didn't have a high-paying job. He was working in a custodian-type job. He wasn't represented in court, and the court order that came out was one that, even if he still had that job, he would never be able to pay. So he got an unrealistic court order. To make a long story short, this particular individual ended up in the Parry Sound area, behind in his payments. He ended up losing his driver's licence because of the laws we have, and because this particular individual lost his driver's licence, he then lost his job.

The question you have to ask is, how has this whole situation benefited the actual family involved, the kids involved? We're now in 2005 and the individual has lost his job. He's in an \$80,000 to \$100,000 hole in payments that he owes. He hasn't made any payments. The kids have not benefited at all. The payer is on welfare and living in Ontario subsidized housing and, as I say, he owes \$80,000 to \$100,000, a hole that he'll probably never get out of. You have to ask yourself, how have the get-tough rules benefited the family and the children in this situation? They simply have not. So doing other things to get tougher still, like removing a hunting and fishing licence or putting them in jail for a longer time period, simply is not going to achieve the goal. The goal should be to make sure that those kids in need receive the money they need to survive.

I know the member from Timmins-James Bay talked about mediation services. I think that's probably something worth considering. I think we should be looking at ways to make it easier for either of the spouses to go to court, to look at the court order, to get a variance in the order or to have a realistic court order, so that there's more of a chance that it's actually going to get paid. If you have such a high payment that it's not realistic that it's going to get paid, that won't achieve the goal of getting money to the kids. So we have to have realistic court orders. I think we need to have faster court service

so that either of the spouses can get to the court to get a variance.

I don't have much time left, so I won't have a chance to make some of the other points I was hoping to make, except to say that we should be looking at this from the perspective of trying to benefit the kids. We need fair and balanced legislation that will achieve the goal of getting those support payments through to the kids.

The Deputy Speaker: Questions and comments?

Ms. Horwath: It's my pleasure to make a few comments on the speech by the member from Parry Sound-Muskoka. I have to say that I think a lot of the issues that he raised are important ones. He has an understanding of the complexities of the system.

If there's one thing that most of us would agree upon, it's that the interests really should be for the children in these kinds of situations and that their interests need to always be maintained as the primary motivation for us to change any kind of legislation. Similarly, those are the children, in many cases, who suffer from a lack of support, whose primary caregiving parent is often the one who is seeking spousal support and whose spouse has been ordered to pay spousal support but unfortunately is not receiving the spousal support. So, as unfortunately happens in many of these cases, these children go without, their family circumstances are made very difficult, and of course all of the emotional issues that are going on in a family breakup come to bear as well.

This particular bill, Bill 155, does some things in regard to addressing ways that the government might get those spouses to fulfill their obligations. However, unfortunately there are other things that need to be done as well. I think the member for Parry Sound-Muskoka was making some suggestions in regard to other systems and other pieces of legislation. I think we can start with the FRO, and the way we can start with the FRO is by looking at their administrative capacity, both technologically and in terms of their staff.

Mr. McNeely: Listening to the opposition on this, I think that we should get out the Provincial Auditor's report and read it. Since 1994, the Provincial Auditor had been after the government. It was in the report that came to the public accounts committee this year that something had to be done about the Family Responsibility Office.

On Friday, I had a lady in—and this goes back many years, but I think the arrears are something like \$200,000 in her case. They're just trying to track this deadbeat dad back to BC.

The auditor's report was very clear. The auditor told us that when somebody didn't pay, because of the very poor system that existed—because one caseworker had to handle 1,300 separate files—it took seven or eight months to track non-payment. You have to just look at what MasterCard or Visa might do if you're more than five or six days late. This government was letting that go for eight months. It was \$1.3 billion, I believe, that was owed to the province. The cost of mothers and kids, and fathers and kids, having to go on social welfare was \$10 million a year. It would have paid for this computer system that's going to be installed now, thanks to our

minister who has taken this in hand and is going to get a proper system in. It was \$10 million a year. So there was \$50 million, \$60 million or \$70 million lost in the late 1990s and the early 2000s because the government would not put a proper system in, even though the Auditor General came to them, I think, on four occasions to tell them it had to be done.

So read the auditor's report; it tells you very much why this is necessary.

Mr. Sterling: The member from the east end of Ottawa urged me to come to the debate because what the government is doing now is not fixing what the auditor said was the problem, and that was the system. I think that the committee came up with the best solution, but nobody would listen to the solution. The government is tracking down an RFP for a \$14-million new IT system which won't work in the end because it requires a lot of new software etc., etc. So instead of adopting what a lot of the members of the committee wanted—and that was to take on, holus-bolus, the BC system, change our system.

1800

They answer their phone in three to four minutes. Can you imagine a constituent phoning up one of our constituency offices and saying, "I phoned the FRO today and I got an answer in three or four minutes"? Their collection rate is about 40% or 45%, whereas ours is about 20% to 25%. But you can't tell these people to follow the study that we ordered when we were in government. We paid \$500,000 for it. They haven't even released the FRO study which says, "Copy the BC system." Instead, they're driven by the bureaucracy that wants to mix this collection function with providing social services.

It really is unfortunate, because the solution is right there. It's right there. They can buy it for very little money, and it will work. It's been proven to work out in British Columbia. They want their own way. They want their own new system. It won't work. We're going to win government in 2007, and it's still going to be broken.

Mr. Levac: I couldn't resist the temptation to talk to the member opposite, as well as the other members. They've really learned how to be opposition members, but I think they forgot what happened when they were here. It's the \$1.2 billion that wasn't getting collected that caused the ruckus in the first place. Some 250,000 kids not getting their money—we were harping about it too. All we seem to be doing is going around in circles.

We've got a piece of legislation here that's going to move us forward to make sure that the \$1.2 billion, up to \$1.6 billion, gets collected—and also the 250,000 kids. Now they're going to sit back and say, "Do you know what? You're full of it. You don't know what you're talking about." That's what they're supposed to do. They're supposed to sit back and say we're wrong. Listen, we're all culpable. We're all wrong if we don't get that money collected.

If we're given some good ideas—which I have heard on that side. I've heard a few nice little ideas, and I think we will hear them in committee. We will take an oppor-

tunity to try to correct it and improve it. But shame on us if we can't get this thing collected: \$1.2 billion that's going to moms and kids—90% of them—in a system that makes men who are paying—we lose their cheques. Something's wrong. Let's get it fixed.

If we're going to start talking about it, show me those examples we need to move it forward, so that 250,000 children in the province of Ontario get what's deserved, get what's needed, because \$1.2 billion not collected is not good enough for any government. So let's start talking about what corrections we can make in this legislation. Let's start talking about what the auditor is telling us. Let's start talking about improving the system. Shame on all of us, a pox on all our houses—the previous government's and future government's—if we keep letting our kids go without the money they deserve.

The Deputy Speaker: The member for Parry Sound—Muskoka, you have two minutes to reply.

Mr. Miller: I'm pleased so many people made comments: the member from Hamilton East, the member from Brant, the member from Ottawa—Orléans and the member from Lanark—Carleton.

One of the challenges with this bill is that there's no consideration for the financial situation of the payers. I think that's something you need to have. You can't get blood out of a stone. There must be provision made where payment just isn't possible. The member from Timmins—James Bay was talking about that.

Situations change. Today here at the Legislature we saw a number of mill workers from northern Ontario who are down here protesting. There were loud sirens going on outside of Queen's Park during question period today. They're protesting because they're losing their jobs. Well, in a situation where you've got a good-paying job at a mill in northern Ontario, you split up with your spouse, you go to court and you get an order for payment that's based on your good-paying job, but then you lose that job because of the perfect storm being created by this government, where you have high energy prices—a 12% increase was just recently passed on to large industrial users. You have a diminishing fibre supply for the forestry industry. I can't blame them for the 35% increase in the Canadian dollar, but you have that. So you have this perfect storm that's affecting businesses in northern Ontario. Well, situations change and you find that people just don't have a job.

The support payments have to reflect reality. There's no point in making criminals out of people who, through no fault of their own, have lost their job and simply are not able to make those support payments. So taking away their hunting licence, putting them in jail for 180 days or whatever is not going to benefit the kids. We have to make it easy for them to get back to court and get variances, and maybe we need to look at mediation.

The Deputy Speaker: It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1805.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas-	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration
Flamborough-Aldershot	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative		Marsales, Judy (L)
Barrie-Simcoe-Bradford	Prue, Michael (ND)		
Beaches-East York / Beaches-York-Est		Hamilton West / Hamilton-Ouest	
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Burlington	Jackson, Cameron (PC)		Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)		Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)		Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Kitchener Centre / Kitchener-Centre	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Kitchener-Waterloo	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	Lambton-Kent-Middlesex	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	Lanark-Carleton	
Durham	O'Toole, John (PC)	Leeds-Grenville	
Eglinton-Lawrence	Colle, Mike (L)	London North Centre / London-Centre-Nord	
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	London West / London-Ouest	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Erie-Lincoln	Hudak, Tim (PC)	London-Fanshawe	Ramal, Khalil (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Markham	Wong, Tony C. (L)
	Cansfield, Donna H. (L)	Mississauga Centre / Mississauga-Centre	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Etobicoke Centre / Etobicoke-Centre		Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Nepean-Carleton	Baird, John R. (PC)
Guelph-Wellington	Sandals, Liz (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Niagara Falls	
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Nickel Belt	Craiton, Kim (L)
Halton	Chudleigh, Ted (PC)	Nipissing	Martel, Shelley (ND)
		Northumberland	Smith, Monique M. (L)
		Oak Ridges	Rinaldi, Lou (L)
			Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre		Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins–Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 18 April 2005

MEMBERS' STATEMENTS

Annual walk for multiple sclerosis	
Mr. Dunlop	6303
Earth Day	
Mr. Barrett	6303
Education in Hamilton area	
Mr. McMeekin	6303
Anniversary of Armenian genocide	
Mr. Klees	6304
Harry Jerome Awards	
Mr. Prue	6304
Northern Ontario communities	
Mr. Brown	6304
Health care reform	
Ms. Wynne	6304
Elementary school teachers' agreement	
Mrs. Van Bommel	6305
Family health teams	
Mr. Crozier	6305

MOTIONS

Committee sittings	
Mr. Duncan	6305
Agreed to	6305
House sittings	
Mr. Duncan	6306
Agreed to	6306

STATEMENTS BY THE MINISTRY AND RESPONSES

Family health teams	
Mr. Smitherman	6306
Mr. Jackson	6307
Mr. Bisson	6308

ORAL QUESTIONS

Obstetrical care	
Mr. Tory	6308
Mr. Smitherman	6308
Health premiums	
Mr. Tory	6309
Mr. Smitherman	6309
Public services	
Mr. Hampton	6310
Mr. Takhar	6310
Mrs. Bountrogianni	6311
Ms. Pupatello	6311
Northern economy	
Mr. Hampton	6311
Mr. Ramsay	6311

Elementary school

teachers' agreement	
Mr. Klees	6312
Mr. Kennedy	6312
Timber management	
Mr. Bisson	6313
Mr. Ramsay	6313
Immigration policy	
Mr. McNeely	6313
Mrs. Chambers	6313
Mrs. Bountrogianni	6314
Anti-smoking legislation	
Mr. Barrett	6314
Mr. Cordiano	6314
Chedoke long-term-care facility	
Ms. Horwath	6314
Mr. Smitherman	6315
Food safety	
Mr. Hoy	6315
Mr. Peters	6315
Heritage legislation	
Mrs. Munro	6316
Mrs. Meilleur	6316
Northern Ontario education funding	
Mr. Hampton	6316
Mr. Kennedy	6316
Children's car seats	
Mr. Gravelle	6317
Mr. Takhar	6317
Energy policy	
Mr. O'Toole	6317
Mr. Duncan	6317

PETITIONS

Ontario pharmacists	
Mr. Jackson	6318
Senior citizens	
Ms. Horwath	6318
Anaphylactic shock	
Mr. Levac	6318
Mr. Delaney	6320
Anti-smoking legislation	
Mr. Murdoch	6319
Regional centres for the developmentally disabled	
Ms. Horwath	6319
Mr. Hoy	6319
Mr. Wilson	6320
Mr. Dunlop	6320, 6321
Wildlife protection	
Mr. Ramal	6319
Student safety	
Mr. Flaherty	6319
Halton Recycling plant	
Mrs. Munro	6320

SECOND READINGS

Family Responsibility and Support Arrears Enforcement Amendment Act, 2005, Bill 155, Ms. Pupatello	
Ms. Horwath	6321, 6324, 6326, 6329, 6338, 6340
Mr. McNeely	6323, 6340
Mr. Barrett	6323, 6324, 6327
Mr. Hoy	6323
Mr. Prue	6324
Mr. Bisson	6325, 6327, 6330, 6337
Mrs. Cansfield	6326
Mr. Dunlop	6326, 6338
Mr. Ramal	6329
Mr. Sterling	6329, 6341
Mr. Levac	6329, 6341
Mr. Jackson	6330, 6339
Ms. Matthews	6338
Mr. Miller	6339, 6341
Debate deemed adjourned	6341

TABLE DES MATIÈRES

Lundi 18 avril 2005

DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

Équipes de santé familiale	
M. Smitherman	6306
M. Jackson	6307
M. Bisson	6308

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur les obligations familiales et l'exécution des arriérés d'aliments, projet de loi 155, M^{me} Pupatello	
Débat présumé ajourné	6341



No. 130B

N° 130B

ISSN 1180-2987

Legislative Assembly
of Ontario
First Session, 38th Parliament



Assemblée législative
de l'Ontario
Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 18 April 2005

Lundi 18 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 18 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 18 avril 2005

The House met at 1845.

ORDERS OF THE DAY

ONTARIO HERITAGE AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LE PATRIMOINE DE L'ONTARIO

Mrs. Meilleur moved third reading of the following bill:

Bill 60, An Act to amend the Ontario Heritage Act /
Projet de loi 60, Loi modifiant la Loi sur le patrimoine de
l'Ontario.

**Hon. Madeleine Meilleur (Minister of Culture,
minister responsible for francophone affairs):** I will
share my time with the member from Stoney Creek.

Mr. Speaker, we are at an important milestone for
heritage in Ontario. For years, our heritage resources
have been left vulnerable. Many have been destroyed.
We have watched helplessly as heritage buildings have
been razed to the ground. We have been powerless to
protect what is most important to our society: the legacy
built and left to us by generations of Ontarians.

Au cours des années pendant lesquelles j'œuvrais à
titre de conseillère au sein de la municipalité d'Ottawa,
j'ai trop souvent assisté à la démolition de sites histo-
riques irremplaçables, et, malheureusement, rien ne pou-
vait être fait à cette époque pour arrêter cette destruction.
Si la destruction de notre patrimoine m'a remplie de
tristesse et de colère, j'ai toutefois ressenti une grande
fierté et un immense plaisir lorsque des édifices et des
sites de ma ville ont été sauvés. Le Pavillon Aberdeen,
par exemple, dans le parc Lansdowne, la Cour des arts, le
centre communautaire du Glebe, la maison Patterson et la
maison Wallis : voilà quelques-uns des édifices qui ont
été sauvegardés, et qui embellissent la capitale nationale.

Across the province, other sites are equally important
landmarks or sources of community pride. For instance,
both the old and new city halls in Toronto are evocative
symbols of the eras in which they were built. Castle
Kilbride in Waterloo captures the splendour and opulence
of an earlier age. With its amazing and intricate interiors,
this national heritage site was almost lost to us. It sat
empty for five years and was beginning to deteriorate
when the local community rallied to purchase and restore
the property.

Ruthven Estate in Haldimand, the Distillery District in
Toronto, Parkwood Estate and Gardens in Oshawa: each

has its story to tell. Each is an irreplaceable aspect of
Ontario's cultural landscape.

I am certain that every member of this House feels as
passionately about the heritage buildings and sites in
their own communities, and unfortunately I am certain
they have experienced those moments of despair when
they were helpless to save a local landmark.

That ends today. We have the opportunity before us to
say in no uncertain terms that heritage matters to our
province and its people. We have the will and the way to
ensure that our heritage survives and thrives for the
benefit of present and future generations.

Nous sommes garants de cet héritage; à nous revient la
responsabilité de le léguer à nos enfants et petits-enfants.

1850

I stand in the House today to say that the time has
come for a new and stronger Ontario Heritage Act. Our
province's heritage has been at risk for much too long.
The current Ontario Heritage Act is weak and outdated.

Depuis l'adoption de la Loi sur le patrimoine de
l'Ontario en 1975, nous sommes le premier gou-
vernement à proposer de profondes modifications pour
harmoniser la Loi sur le patrimoine de l'Ontario avec
celle des principales juridictions du Canada et du monde
entier.

Des gouvernements précédents se sont penchés sur ce
dossier, et je loue les efforts qu'ils ont déployés au fil des
ans. J'espère que les membres honoreront cet engage-
ment et donneront leur aval aux modifications proposées
à la Loi sur le patrimoine de l'Ontario. Ces modifications
changeraient profondément la manière dont l'Ontario
considère et protège son patrimoine.

At an alarming rate, unique and irreplaceable heritage
buildings and sites have fallen victim to the bulldozer or
wrecker's ball. We have paid a high price. Communities
have lost economic potential. Our cultural identity has
been eroded. Our quality of life has been diminished.
Without strong and expanded heritage protection laws,
valuable heritage resources and the opportunities they
represent will continue to be lost.

In Ontario's communities, our heritage is reflected in
landmark buildings, small-town Main Streets and historic
neighbourhoods. We see it in our scenic landscapes,
archaeological sites and special cultural places, including
places of worship, cemeteries and aboriginal sites. On-
tario's heritage is the rich legacy we inherit from the past
and preserve for future generations. Our heritage
expresses our collective experience and values. It gives
us insight into who we are and confidence about what we
can achieve.

The McGuinty government values and is committed to conserving Ontario's heritage for the enjoyment and benefit of present and future generations. A stronger Ontario Heritage Act will prevent the demolition of Ontario's precious heritage landmarks. A stronger act would provide more tools and flexibility to protect local and provincial heritage. It would put Ontario among the leading jurisdictions in heritage conservation.

L'adoption des modifications proposées marquerait le début d'un processus, et non la fin. Le gouvernement continuerait à dialoguer avec les intervenants à propos des règlements et des lignes directrices pour s'assurer que la mise en application des principales modifications à la Loi sur le patrimoine de l'Ontario soit effectuée de manière efficace. Nous avons beaucoup apprécié et continuons d'apprécier l'appui et les idées des intervenants et de tous nos partenaires dans ce processus.

Our amendments include new municipal powers to prevent rather than delay the demolition of heritage properties. These amendments will also ensure that increased demolition control will be balanced with a property owner's right to a binding appeal.

Another important amendment would provide new provincial powers to identify and designate heritage sites of provincial significance. It would also give us the ability to stop the demolition of those sites.

The proposed amendments will also provide for clear conservation standards and guidelines to be established for provincially owned heritage property. We would continue to work with our stakeholders to develop these standards and guidelines.

Other proposed amendments would provide greater clarity in the municipal designation process and provide better planning tools for the protection of heritage conservation districts.

The amended act would increase provincial protection for the most significant and fragile marine archaeological sites. There would also be enhanced provisions to conserve unique archaeological resources, such as increasing fines for the illegal alteration of sites.

The amended act would also update provisions for the province's heritage agencies to give them a greater ability to deliver their mandate.

I wanted to acknowledge today the leadership and dedication of the Honourable Lincoln Alexander, chairman of the Ontario Heritage Foundation, and Jill Taylor, chair of the Conservation Review Board.

Grâce aux modifications proposées, ces deux organismes provinciaux assumeraient de plus grandes responsabilités. Je suis convaincue qu'ils sauront relever ce nouveau défi. Je voudrais également remercier les membres de mon personnel au ministère pour leur travail acharné et leur dévouement.

I would also like to give special thanks to the deputy minister, M^{re} Smith, to the ADM, Marjorie Mercer, and to Dan Schneider.

There are many other people who have been instrumental in bringing us to this important juncture today, and I wanted to mention a few by name. Jim Brownell,

MPP for Stormont–Dundas–Charlottenburgh, and John Wilkinson, MPP for Perth–Middlesex, have been determined advocates within our government for stronger heritage legislation. My parliamentary assistant, Jennifer Mossop, MPP for Stoney Creek, played a key role in committee hearings on Bill 60 and in ongoing consultations with our heritage stakeholders.

Some individuals and other members of the heritage community are here with us in the gallery today. I salute them and thank them for all the support they gave me. For many of these dedicated people, the road to a stronger and more effective Ontario Heritage Act has been long and often bumpy, but they have persevered. Their vision has endured, and today we can finally make that vision a reality.

A stronger, more effective Ontario Heritage Act would mark a new era for heritage conservation in our province. It would empower the province and local governments to save our irreplaceable and unique heritage resources. Our proposed amendments to the Ontario Heritage Act would help to build strong and vital communities and improve the quality of life for all the people in Ontario.

This is an historic moment for Ontario. C'est un moment attendu par les Ontariens et les Ontariennes.

I urge the members of this House to pass Bill 60 without delay. If we don't take steps to preserve and celebrate our past, we will compromise our future. Ontario's potential and promise will not be fully realized.

I wanted to take a moment to also name developers in my community who worked very hard to save our heritage buildings. I'd like to name Sandy Smallwood, Ted Phillips and Lise Lauzon, who are owners of heritage property and have invested a lot of money to protect their buildings.

We must act today. We owe it to the people of this province, to generations past and to generations to come.
1900

The Acting Speaker (Mr. Michael Prue): Before I recognize the member from Stoney Creek, which I will in a minute, I've just noticed that the Honourable Lincoln Alexander has joined us. I think we should acknowledge his presence.

Applause.

The Acting Speaker: The member from Stoney Creek.

Ms. Jennifer F. Mossop (Stoney Creek): I rise in the House today to acknowledge the tremendous public support for the proposed amendments to the Ontario Heritage Act. In numerous letters, public hearings and meetings with heritage stakeholders, the concerns of Ontarians were communicated to us in clear and unambiguous terms. What we heard very loudly and clearly was that the Ontario Heritage Act is weak and outdated. We heard example after example of built heritage sites and buildings being bulldozed regardless of their heritage value. Municipalities have been left to pay the price in the loss of economic potential, the erosion of local identity that defines and enriches the lives of residents, and the loss of the inherent beauty and soul that our

oldest buildings, like this one, contribute to our surroundings and to our senses.

Heritage resources are present in every community in many different forms: museums, archives and library collections, historic buildings, barns, monuments, bridges, railway stations, places of worship, cemeteries, archaeological sites and artefacts, streetscapes and landscapes. The amended Ontario Heritage Act would empower municipalities to preserve their heritage and reinvigorate their business economies.

The proposed amendments include new municipal powers to prevent, not just delay, the demolition of heritage buildings—this amendment is counterbalanced with the landowner's right to a binding appeal—and new provincial powers to identify sites and designate heritage sites of provincial significance, as well as the power to prevent their demolition. Also, the proposed amendments would enable the Ministry of Culture to develop mandatory standards and guidelines for identifying and protecting heritage property owned or controlled by the province, in consultation with affected provincial ministries and agencies.

If Bill 60 is passed, the government will continue its dialogue with heritage stakeholders to build upon this new beginning for Ontario's heritage. Other proposed amendments to the act would provide greater clarity in the municipal heritage property designation process and empower municipalities further by providing better planning tools for the protection of heritage conservation districts.

Our proposed amendments hold great promise for municipalities across Ontario. The heritage conservation district, planned and implemented strategically, can significantly revitalize a local economy. Across Ontario, historic properties are being restored and adapted to new uses. In urban centres, factories and warehouses are being converted to new residential and commercial uses. In small towns, Main Street properties are being rehabilitated, often combining retail downstairs with residential space upstairs.

Ontarians genuinely care about their heritage resources and what happens to them. How else can one explain the resounding success of the Ontario Heritage Foundation's annual Doors Open Ontario initiative? This OHF program has become Ontario's most popular heritage tourism adventure. During the Doors Open season, which runs from April to mid-October, participating municipalities quite literally open the doors of local heritage sites, many of which are generally closed to the public. It provides residents and visitors with free access to buildings and properties of architectural, historic and natural heritage value. This innovative opportunity to experience Ontario's rich heritage first-hand has been an unmitigated success since it was launched in 2002, attracting over one million visitors, and this year promises to be just as successful.

From east to west, from north to south, our heritage resources tell our stories. And what are we if not stories? In many cases, the stories are still being written, as

heritage buildings and sites are preserved, restored and adapted for new use in our modern society.

In southwestern Ontario, places like the North American Black Historical Museum complex in Amherstburg and Uncle Tom's Cabin Historic Site in Dresden serve as a lasting tribute to the fugitive slaves who came to Ontario in search of freedom.

In Tweed, visitors can marvel at North America's smallest jailhouse, built in 1899. It is still helping to serve the public good as a community police office.

Business still thrives in many sites and buildings that speak to our industrial heritage. In the north, the site on which Kenora Forest Products presently stands has been used continuously for sawmilling since 1905. Here in Toronto, the Gooderham and Worts Distillery has fast become a popular centre of arts and entertainment. It is the place to be—not yesterday, but now.

The Museum of Health Care in Kingston started its life in 1903 as a nurses' residence at Kingston General Hospital. Today it houses a collection of 28,000 objects documenting health care history in Canada.

Among our more recent heritage landmarks is the London Muslim Mosque, built in 1964. This was Ontario's first mosque and only the second one in Canada.

The Gravenhurst Opera House has welcomed more than six million people since opening its doors in 1901. It's still going strong, as vacationers in Muskoka flock to its doors for summer theatre.

These are just a few of the places and spaces that communities have identified as having heritage significance, and all will be open during Doors Open Ontario 2005. These are just a few of the places and spaces that we can ensure will stand the test of time with our proposed changes to the Ontario Heritage Act.

I have to add an example from my own riding. Just a few weeks ago, I attended the designation and the re-opening of the Carnegie public library in Grimsby, one of more than 100 such buildings erected in the province in the early 1900s and one of only a handful still standing. Through the diligence and passion of a group of volunteers, that building is living yet another life. The public archives, the adult learning resource centre, and a space for teens to drop in and find some support and a community are all being housed under those sweeping high ceilings, enjoying the expansive windows which let in an avalanche of light and air. The warm wooden floors of the Carnegie public library in Grimsby are absorbing the footfalls of yet another generation, with so many more stories to live and so many stories to tell.

In communities across Ontario, the history and achievements of this province and its people are celebrated in our unique and irreplaceable heritage resources. They are an integral part of our collective identity, a source of pride for local residents, and a rich and empowering legacy for our children and many future generations to come.

Heritage resources are unlike other kinds of resources in that they are nonrenewable. Once the bulldozer or the wrecking ball has levelled an historic building, no

amount of money, effort or hope can bring it back; it is gone forever.

Heritage encompasses the values and institutions we all share as well as the distinct histories and expressions and aspirations of the many communities and cultures that make up this province. Ontario's character and very identity are rooted in this rich and diverse heritage. Our ancestors, our forebears, our predecessors live on through our built heritage.

There are currently 130 municipal heritage committees operating in this province, 65 heritage conservation districts, and approximately 20,000 known archaeological sites that have been documented by the Ministry of Culture. Currently, over 75,000 Ontario volunteers are actively involved in some kind of heritage conservation initiative. For many years now, they have been working without the support of stiff, strong legislation to back them up in their efforts. Through no fault of their own they have failed, in many cases, to save our built heritage, and we are now providing them with the backbone they need to do their work and to succeed. We are going to provide you the legislation you need.

The numbers of people who are involved in protecting, preserving and restoring our heritage tell a story in itself. They tell us the story that Ontarians are demanding better protections for their heritage—the kind of protection that we are delivering in the amendments to the Ontario Heritage Act that will make all of that possible.

1910

Before I wrap up, I just want to mention something that I have mentioned before in this House. People travel around the world to many beautiful cities. The reason they are beautiful cities is because they have protected their heritage. Paris, Rome, Chicago: All these cities, and many more, have taken the time and effort and have realized the value of their built heritage and have taken the time, energy and resources to protect and preserve them. As a result, they are the most sought-after destinations in the world.

Ontario is now going to take its place among the most sought-after destinations in the world with the legislation to make it happen. The McGuinty government is the first government to bring forward comprehensive amendments to the Ontario Heritage Act since its introduction back in 1975.

The people of Ontario—past, present and future—must be heard. I encourage the members of this House to support the adoption and implementation of the proposed amendments to the Ontario Heritage Act.

The Acting Speaker: Before we go to questions and comments, I notice that Karen Haslam from the 35th Parliament, representing Perth in those days, is here with us. Welcome back.

Questions and comments?

Mr. Garfield Dunlop (Simcoe North): I'm pleased to respond to the minister and to the member from Stoney Creek on their comments on the third reading of Bill 60.

I'm very pleased tonight to see the Honourable Lincoln Alexander in the House. I find it a little ironic that, as the chairperson of the Ontario Heritage Foundation, he also has the honour of having the Ontario Provincial Police headquarters named after him. What's ironic about that is that this particular facility is probably one of the most modern facilities we have in the province as an Ontario structure.

I think that all of the members in this House support anything that can strengthen our Heritage Act. This bill has gone on for some time.

Interjection.

Mr. Dunlop: I hear the House leader wanting us to rubber-stamp this bill. Of course we want to caucus it and want to make sure that if you're going to strengthen the bill, you're going to do it right. That's why there have been some concerns about this bill, and I expect there'll be members of your caucus.

I'd also like to congratulate former minister David Tsubouchi for his work on this bill, because this is a bill that David Tsubouchi introduced originally and now Madeleine Meilleur, the minister, has brought forward. I compliment her on that because if we look at almost all the communities in our province, in rural Ontario, we see the heritage and the history, and we want to make sure that that history is preserved. It's a very important part of what makes Ontario a very special place to live.

I look forward to further debate tonight. I look forward to the comments by the member from York North in our leadoff on third reading. Hopefully we'll come to an agreement that we'll all be able to support this bill in the end.

Mr. Rosario Marchese (Trinity-Spadina): I won't be taking the full two minutes because I'll have a little extra time after the Tories.

I have to tell you that this bill was introduced on April 21, 2004—almost a whole year ago. To hear the member from Stoney Creek and the Minister of Culture, you'd think we were just debating it fresh from second reading debate. Do you know how long ago that was? Last November or December, even then—

Interjection: We want to get it right.

Mr. Marchese: They want to get it right—as if they accepted any of my amendments that I introduced in committee. It has been in suspended animation for a long, long while.

I've got to tell you, I'm happy it's here. I can't complain. I want to praise the member from Stoney Creek, who spoke so beautifully about this bill, and the Minister of Culture. You'd never know; you'd think they dealt with it just yesterday. Mercifully, they've reintroduced it, it's here for debate, and maybe by the end of this evening we might have it passed, or at least by tomorrow when the Tories meet to discuss this—

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): Let's pass it right now.

Mr. Marchese: "Pass it now." I was ready to pass it last December, but your minister wasn't ready last December because she wanted to get it right.

Anyway, for the record, those of you who are watching us, I don't know how long the Tories are taking, but after them I'm up, in case you want to listen to what I've got to say.

Mr. John Wilkinson (Perth-Middlesex): Tonight, colleagues, could be an historic night in this Legislature, after all of these years. His Honour is here this evening; my colleague the former Minister of Culture; Karen Haslam, as you mentioned, is here. There are people who have devoted their entire public lives to the conservation of our precious heritage, and they're here this evening. The question is, will we move forward at third reading debate or will one party stand in opposition, a party which has within it the name "Conservative," to conserve? Will they stand here and oppose the fact that tonight we could move forward to third reading on this bill? I know that Mr. Tsubouchi, who used to be here, would be very proud of his colleagues who have succeeded him if we move forward tonight after all these years and the work that has gone on.

As the minister mentioned, I have the honour of representing Perth-Middlesex and particularly the fine city of Stratford, a city that debated this very issue about 30 years ago when the question of our magnificent city hall came about. It was going to be torn down in the heart of the city. What preserved the Victorian heritage of our city, and continues to make it a wonderful place for people around the world to come—not only for the Shakespearean festival and for the experience of being in Stratford—was that decision which was made when the citizens rose up and said, "No, we are going to preserve our heritage."

I remember as well when I worked with the former mayor of Stratford, who's also the former Minister of Culture, Karen Haslam, to save the historic normal school beside the festival. The Carnegie library in St. Marys, which is neoclassical, is a wonderful example of the type of heritage we need.

Tonight is an historic night—or will it be?

Mr. Norman W. Sterling (Lanark-Carleton): As you know, I represent the riding of Lanark-Carleton, with one of the most beautiful historic towns in all of Ontario, and that's the town of Perth. If you go down the main street of Perth, you see wonderful buildings that were built in the early 1800s.

I also want, though, to read a letter I received from St. Paul's United Church. They are, of course, in favour of heritage and heritage buildings, but this church, as many other churches in our province—I also got one from St. Andrew's Presbyterian Church—cannot support this bill because they don't feel that they can afford to continue to maintain the building under the guise of this legislation. This legislation has to have a proper balance between the interests of the public at large in maintaining our heritage and the interests of the owner of the building. Unfortunately, this government did not accept suitable amendments from our party to protect churches or people in my riding who own heritage buildings. This government has an abysmal record with regard to prop-

erty rights and the respect of property rights. We saw that in earlier legislation. They have no regard for property rights.

You won't find a member who is stronger with regard to maintaining our heritage buildings than I am. I'm a civil engineer. I understand these kinds of heritage and how important they are to keep. But you cannot abrogate property rights out of hand, like this government has in this bill. Therefore, I cannot support this bill.

1920

The Acting Speaker: There are now two minutes to respond, Minister of Culture.

Hon. Mrs. Meilleur: I'd like to thank the members from Simcoe North, Trinity-Spadina, Perth-Middlesex and Lanark-Carleton for their comments on the bill. I hope that tonight I will get your support because with every day that passes, precious heritage buildings are disappearing. As my parliamentary assistant said, these buildings are very important. When you have visitors coming to town, they don't come to visit the strip malls; they come to visit museums and beautiful heritage buildings.

Think about different cities and villages in Ontario where they are very successful. Why are they successful? Because there were people preceding us with vision who did everything they could to protect heritage buildings. Tonight, I want to thank these municipal heritage committees for the work that has been done. If it were not for their dedication and good work, we wouldn't be here tonight voting for a bill that is nothing like that proposed by the previous government. I ask you tonight to support the bill. We have to close this chapter tonight, and I'll go out and celebrate. The Honourable Lincoln Alexander is here watching you, and he wants your support.

The Acting Speaker: Further debate?

Mrs. Julia Munro (York North): I just want to point out that I will share my time with the member from Durham. I'm pleased to be able to join in the debate this evening. I think all of us understand the importance of Ontario's history and heritage and the fact that it tells us where we have come from, who our ancestors were and how they lived.

Heritage is not just about old places and buildings and sites that have meaning in the past; it is about who we are today. One of the interesting things about the whole notion of heritage is the fact that we tend to think of it in terms of that which has gone before us. We also have to understand that we are currently creating the heritage for tomorrow. So while we set a standard in terms of honouring our ancestors' lives, their creativity, their commitment to their communities and also their need to leave their own mark on the world, in looking at any legislative framework for heritage you also have to look at it from the perspective of what we leave today that will tell future generations who we were.

I think it's fitting that we debate this bill today in the middle of a building that represents our heritage, a building erected in a time when people believed that the seat of government should be a very special place. We are

very fortunate that we have a building such as this, built in the 1890s.

People who know me know that heritage is a subject I have always been interested in. When I was thinking about the opportunity we have this evening for third reading debate, it reminded me of when I was a pre-teen and had a sense of the way life changes and of having an historical record. I remember getting on my bicycle and riding up to the corner of Finch and Bathurst. At that time, there were fields at the intersection. On the north-east corner, quite a distance in from the road, was a huge barn—at that age it seemed to me to be a very big structure. On the other corner, the northwest, was a very large farmhouse. So when I think about the kind of legislative requirements we need, I think back to having an appreciation and an understanding of the kinds of changes that have taken place.

I have lived in the riding for more than 30 years, but I remember when Davis Drive and Yonge Street had a flock of sheep on the corner opposite to what today is Upper Canada Mall. I think that in the lives of most of us we can see those kinds of changes that have come about, and we understand how important it is to be able to preserve those, whether it is pictorial, archival or built heritage.

I guess I come by this interest honestly. I remember when my mother was a volunteer at Gibson House in Willowdale, when Dorothy Duncan was involved in the acquisitions for that museum. My mother was later to become a historical interpreter. As someone who grew up with an understanding and an appreciation of the importance of heritage, I guess it is no surprise that I would have been asked by the then Minister of Culture, the Honourable David Tsubouchi, to lead consultations on looking at amendments to the Heritage Act.

Heritage supporters have been waiting a long time for amendments to the Heritage Act. Reference has been made to the fact that the first bill was introduced in 1975 by the Bill Davis government. Though the act had undergone numerous reviews and studies over the years, there were very few small changes that were made.

In 2002, as part of the Government Efficiency Act, an omnibus bill introduced by my colleague Jim Flaherty, the PC government made some substantial changes to the act. One of those was to clarify that altering an archaeological site and removing an artifact from a site were not permitted without a licence. It also clarified that archaeological sites include marine sites. It allowed municipalities to broaden the mandate of their municipal heritage committees. It made demolition controls consistent across Ontario and increased the maximum fine from \$250,000 to \$1 million for illegally demolishing designated properties. It removed the requirement that the Ontario Municipal Board approve municipal bylaws establishing heritage conservation districts where there were no objections.

In December 2002, the then government published a consultation paper on reforming the entire Heritage Act and conducted a consultation process, which I chaired. At

that point, it was certainly the most extensive consultation process that had been set up. It included making 30 specific changes to the current act.

One of the things—and there are many, but I am afraid that time does not allow. The minister has referred to some of the new provincial powers and some of the designation powers we're looking at in Bill 60, most of which, with few exceptions, are based on Bill 124. But I want to spend a moment talking about one aspect of the consultation that I think should give heart to people who perhaps don't appreciate the importance of heritage and preservation of built heritage, and that was the important role that became obvious to us in the consultations with regard to the important economic aspects.

Very often, and with totally good reason, the whole issue around heritage preservation is quite naturally for the sake of the preservation. But in those consultations we heard so many people who talked about the opportunities that preservation provides, the kinds of initiatives that both municipalities and individual entrepreneurs are able to take on as a result of a designation and as a result of being able to look at something a little bit differently. So we heard about the many examples across the province where there were activities related to restoration, and the kinds of incentive they provided for people, because there is a whole group of people who want to participate, who want to have an office space in a heritage building, who see an opportunity for a B&B, who understand the value of being a destination, a place where people who understand history and heritage recognize the numbers of people who will treat any place as a destination.

1930

Mention and recognition has been given to the fact that we are very pleased to have with us the Honourable Lincoln Alexander as chair of the Ontario Heritage Foundation. The introduction of Doors Open in the last few years demonstrated just how important the heritage business, if you like, is to not only this province but to other places as well. So it is only fitting that we should be looking at extending the kind of security to built heritage in this province that exists elsewhere.

One of the things, as an aside, on the entrepreneurial opportunities is all of the things that happen with regard to restoration and the job creation and opportunities for skill development that come when you have a busy restoration activity going on in the province. In fact, we see courses that have been developed to, for instance, rekindle the interest in stonemasonry. If you look at this building and the kind of renovations that have been undertaken by the assembly, you can certainly see the tremendous benefits that come with an active restoration process. So there is kind of an interesting renaissance in so many of the skills that go along with restoration.

At this year's Canada Blooms, I was quite interested by the fact that the Dry Stone Wall Association was there presenting different demonstrations about the skills with dry-stone buildings. Of course, they have opportunities for volunteers to build and learn how, and even competitions for such things. So you can see there is a

tremendous opportunity for an entire level or scope of restoration and the kinds of skills that can be encouraged by this.

Mention has been made about the previous bill. Certainly I would be remiss if I did not mention the fact that as a result of the consultations that were done, the then Minister of Culture, my good friend David Tsubouchi, prepared the Heritage Amendment Act, which he introduced in June 2003. That bill, Bill 124, would have given the Minister of Culture the power to designate provincially significant heritage sites, which of course we see in this bill as well. It would also have increased protection for significant marine heritage sites, and this goes back to the work that was done by our colleague the member from Brant-Haldimand, Toby Barrett, in protecting our marine heritage. The bill also includes standard designation criteria which would have been developed for the municipal designation process, and heritage conservation districts would also have been strengthened. The bill came to the House in 2003. We asked for unanimous consent at the time, but it was not given by the Liberals at the time.

The member from Trinity-Spadina has already referenced the amount of time that this government has taken in terms of coming up with the bill that we are looking at. I believe we were looking at its first introduction one year ago and then the second reading seven months later when it came back in December. I could echo the sentiments made by the member for Trinity-Spadina in terms of the length of time.

I was very pleased that the minister was able to be in my riding for the launch of Heritage Week. At that point the government, she indicated, was planning on introducing it in February. So I'm pleased we're here now, at least.

One of the concerns I had was that, when we got to the committee, it seemed that there were, unexpectedly for the government, indications from stakeholders with very strong concerns. This was of concern to me because it seemed that at that point, in December, there was a sense of urgency to get the bill through committee as fast as possible, and I was concerned about some of the issues that were raised.

I want to make reference that even though at that point it seemed that it was being rushed through, it seemed to be recognized that our heritage is important to me, to our leader, John Tory, and to caucus members—as, I'm sure, all members of the House—but in the hearings we had in December, there seemed to be some key themes. I would like to spend a moment reviewing some of those.

First of all, let me say that none of the presenters opposed the protection of Ontario's heritage buildings or sites, yet several pointed out flaws in how the government was instituting this bill. A number of deputants spoke on behalf of cemeteries, which the government had left out from the bill. I appreciated the opportunity to hear the deputations, and I can honestly tell you that I learned a lot from them. We had the opportunity to hear a very eloquent—as one might expect—presentation from

the Honourable Lincoln Alexander, our former Lieutenant Governor and chair of the Ontario Heritage Foundation. A number of other heritage groups made presentations in favour of protecting our heritage. Most presenters supported increasing heritage powers and indicated that legislative change had been a long time in coming, yet a number of presenters indicated grave concerns about being excluded from the bill or how they would be able to pay for the new obligations under the bill.

In particular were the omissions, as I mentioned, of any reference to cemeteries and their protection. Marjorie Stuart of the Ontario Genealogical Society told the committee that her society had passed a motion last November stating “that the Ontario Heritage Act be amended to recognize the cultural, historical and natural heritage value of Ontario's cemeteries.” She gave evidence of a number of local disputes over development of disused cemeteries where her society and descendants of those buried had to spend thousands of dollars defending the graves of their ancestors. The society wanted the Ontario Heritage Act to state that all provincial cemeteries are of provincial interest and that it is in the public interest that all of Ontario's inactive cemeteries be protected, preserved and maintained in their original locations.

1940

Ian Reilly of the Seventh Town Historical Society in Prince Edward county asked the committee, “Can we save our cemeteries, especially those that are inactive, in an ever-changing society? We think the answer is yes, but it will only happen if the provincial Legislature shows leadership by amending the Ontario Heritage Act to clearly protect inactive cemeteries in their original locations.”

Mr. Reilly asked us to consider, “When our descendants look back to the 20th and 21st centuries, do we want them to shake their heads and ask why we did not do something to protect all historical places to the best of our abilities? To do nothing may mean that your grandparents', your parents', your children's and even your own grave may be the next host of a condo.”

The cemeteries Mr. Reilly knows in his home near the Bay of Quinte stretch back more than two centuries. They contain the graves of the founders of Upper Canada. Diane Clendenan of Toronto spoke of her work in helping transcribe names from markers and tombstones, and Carolyn Wilson spoke of helping protect cemeteries of black settlers in Grey county. Anna Clapp spoke for the Brougham Pioneer Christian Cemetery. None of the presenters who spoke on behalf of cemeteries believed that the Heritage Act protected burial grounds.

Speaking on behalf of the government, the parliamentary assistant to the Minister of Culture repeatedly told presenters that the Heritage Act protected cemeteries as part of the protection of “real property.” Legal counsel for the Ministry of Culture told the committee that the Heritage Act could not protect all cemeteries because protecting them in the Heritage Act would conflict with the Cemeteries Act. The counsel said specifically:

"The bill doesn't come to grips with this conflict. The conflict, quite frankly, was not in the forefront of our minds when we were preparing the bill. It's not part of our policy instructions. It's clear now that there is an issue, and we're aware of the issue, but when the bill was being drafted, it was not part of our policy considerations."

So what was the government's response to the wish of presenters to protect cemeteries, which we were told would conflict with other legislation? The parliamentary assistant to the Minister of Culture told us that "ministry staff have undertaken to work with the staff at consumer and business services on the regulations of the incoming Cemeteries Act."

We have a government commitment to do something to protect cemeteries, yet since this bill was debated in committee before Christmas, have cemetery supporters heard from the government, from any ministry? People who have talked to my office say no. When I asked the Minister of Culture in the House today if she had consulted with the cemetery supporters, she was able to tell me that she had spoken with the Minister of Consumer and Business Services, who is responsible for the Cemeteries Act.

I think that there is still some clarity necessary on this issue for those people who have raised these concerns. The first issue that cemetery supporters were initially left with was the assertion that cemeteries are protected as real property. We have now got a commitment from the parliamentary assistant that they would work with the staff of consumer and business services and, most recently, the comment made today by the minister that she had spoken to the Minister of Consumer and Business Services, who is responsible for the Cemeteries Act.

Clearly, there needs to be clarity around this issue, because burial grounds and cemeteries are a special case. They are more than the heritage value of tombstones and grave markers; cemeteries contain the remains of our ancestors, and they deserve protection. They're also an extremely important record of our communities and the work of many researchers going in to look at particular issues that can only be available by looking at the demographics that cemeteries provide.

One of the other issues was raised by the deputants of six of Ontario's churches. The Anglican, Baptist, Evangelical Lutheran, Presbyterian, Roman Catholic and United churches brought their concerns to Queen's Park. While they support protecting heritage buildings, they are opposed to several consequences of the bill. Their concerns surround the shifting financial burden of owning and maintaining heritage properties from the whole community to the property owner, regardless of the ability to pay, and the fact that churches may find themselves in a position where they are spending money on preserving heritage buildings instead of for charitable or religious purposes.

They are also concerned about the fact that they will find it difficult to either redevelop or sell designated buildings that are no longer needed. They also raised the issue that in certain areas where the demographics have

changed, it would be very difficult, as the church would be unable to use funds from selling a building in an area of declining membership to construct a new building in a growing area.

Finally, the way the bill is constructed at this point suggests that their only recourse would be to appeal to the Ontario Municipal Board. One of the limitations to that appeal, of course, is the fact that it is based on questioning the designation of the building as opposed to being able to look at some kind of support.

It was quite clear that this was an area that the government had not consulted on, so the churches felt that it was very important to bring their concerns forward. Bishop Richard Smith of Pembroke, president of the Ontario Conference of Catholic Bishops, explained the concept in these terms:

"When the churches accept funds from faithful people, given for mission and ministry, we consider this a moral trust. These people have trusted us to use these funds for this purpose in the most effective way we can."

Bishop Smith stated that, in most cases, using current church buildings was the most effective way, but asked us, "What happens when the most effective way of carrying out ministry is to make major alterations to these buildings, such as new space for social outreach programs, Out of the Cold facilities, affordable housing and other community-centred facilities? What happens when the most effective way of carrying out mission, and honouring this trust, is to dispose of the building and the site, thus freeing up the funds originally donated and using them for mission in another, more effective location?"

All of us could appreciate the fact that this does create some considerable dilemma. Bishop Richard Grecco, the auxiliary bishop of Toronto, told the committee that the Archdiocese of Toronto spent \$4 million for the foundations of St. Michael's Cathedral, almost \$3 million to restore St. Paul's Basilica and \$1.5 million restoring St. Anne's parish church. Certainly, they are not alone; other churches and religious institutions also spend millions preserving the cultural heritage of their buildings.

Ontario's churches came to the committee hearings to make their views known to the Legislature and the government. Their presentation was the first time the government had heard that churches were concerned about the government's Heritage Act amendments. At no time before this bill was introduced did the government consult the churches about their concerns, and obviously there was no consultation at this time. Thus, when the bill came to committee, the government was unable to take the time to resolve the churches' concerns.

On behalf of our caucus, I made this motion to the committee: "That this committee defer its clause-by-clause consideration of Bill 60 until such time as the ministry has addressed the concerns of churches, cemeteries and schools and provided a balance to the bill by including within it incentives to property owners."

1950

The intention of my motion was to give the ministry and the government time to study the concerns of the

churches and to develop solutions, keeping in mind that this was at the clause-by-clause phase of the committee hearings, which took place only one day after the public presentations to the committee. The motion was lost, and obviously the position of the government was that they felt quite comfortable in proceeding.

In fairness, I think what has happened in the interval—and I did ask the minister today about the position with regard to the churches. We know that meetings have taken place since December, but there are no amendments at this point or regulations that have been proposed. I think we have to look at the fact that there are two areas of concern. In the question I asked the minister today, she has given her comments in terms of supporting looking at some of these issues that have come forward.

The bill is something that is extremely important to the heritage community. I think all of us recognize the importance of the protection of heritage sites and buildings. We all have examples in our own experiences where we have regretted the loss of historical architecture, and I think it's most important that we move forward. But I think we have to look at legislation that provides comfort to everyone who is affected by this legislation. So I think we look at this bill as something to move forward with, recognizing the importance of making sure that it is fair.

Mr. John O'Toole (Durham): I want to rise and compliment the member from York North for her work and the commitment she has made as critic in preserving heritage in Ontario, and also in her role when we were in government. I also want to recognize the members of the trust who are here tonight in the gallery. I would include in that Peter Zakarow, who is also a member and whom I know, coming from my riding of Durham. Their family is well known for preserving, endorsing and enhancing the preservation of heritage in Ontario.

That being said, I think you've got to bring this down to a level beyond what the member from York North was mentioning, into the reality that faces Ontario in preserving heritage. In my riding of Durham, in the municipality of Clarington there would be many landmark situations, not the least of which would be the Massey building in Newcastle, a well-regarded piece of heritage which indeed has been identified and designated through the good auspices of the board in Newcastle, as well as the municipality.

I also want to be on the record as endorsing and complimenting the volunteer boards of the LACAC group, the local architectural conservation advisory committees, which do the work voluntarily to preserve Heritage Ontario—built heritage, for the most part. Also, I want to respect the riding I live in. It has what I would call aesthetic heritage, which is the rural landscape of not just my riding of Durham but indeed Ontario.

There are a couple of things that need to be put on the record here—not just the work that has been done to date when we were government, but the work that continues under the good auspices of great, straightforward Conservative values. If you want to look at the history here,

what has occurred over the past is a very good statement of the commitment of the Conservative caucus, today and yesterday, to the recognition and preservation of the heritage and values entrusted to us.

I reviewed this bill extensively, because I know that under the leadership of Julia Munro in our caucus we have consulted on the two major issues, in many parts of Ontario, of heritage cemeteries and churches with declining populations in many parts of rural Ontario, and the burden that has onerously placed on the church communities. In fact, with the assistance of the member from York North, I have sent letters to all of the ministerial associations as well as the LACAC group, the local architectural conservation advisory committees, and the members of councils who sit on cemetery boards. I've heard the same arguments that have been made by the member from York North. I think the minister needs to recognize the work that has been done there.

There was a softball question raised in the House today, for those members and those viewers listening, intended to—what was said, I think, was quite clear. The minister said there were some things that we agreed to disagree on. In fact, they're just going to motor ahead without regard to trying to resolve those issues.

I think we are looking here for legislative balance. What you're looking for here is the consistent and age-old argument of the importance of heritage. I would tell you that I did support this legislation on first and second readings, much out of respect for the work done by David Tsubouchi in 2003 under Bill 124. In fact, he did take the time to meet with members in my constituency who have committed themselves, not through just the LACAC process, but for the vigilance that's necessary at the community level.

I look at my riding, in Port Perry, and I see the heritage landscape there. I see it in Palmer Park. I see it in Port Perry in the Main Street buildings that are preserved at the expense of the owners. Many people in society find that the most important missing ingredient here technically is that there is no money. There were always, historically, grants for architectural or heritage improvements, or consistencies with the designation on the particular building, and that's what is missing here. I don't think there's any argument to be made that those in any party would want to somehow put at risk the built heritage or the landscape heritage we've all come to enjoy and appreciate. I would say that I've been educated by my time, when on council, serving on the LACAC group, and appreciated the knowledge and insights and advice that they offered free to council to protect and enhance their communities.

There are a lot of inconsistencies when I look—this may not be a shock to the Liberal members here. There are some here. I'm glad to see that the minister is here. In their promise, they said, "We will rewrite the Ontario Heritage Act"—I'm quoting here, for Hansard; I'll give you a copy of this later—"to safeguard Ontario heritage properties for future generations. There is no recognition of the public value of community museums, archival

institutions or archaeological sites in Ontario. In fact, it is nearly impossible to save heritage buildings or promote and preserve heritage streets in Ontario." This is under "Arts and Culture Matter" in the Liberal platform in 2003.

Of course, the record is well established. They promised many things, and quite often have failed to deliver. That is really the essence of why I have little confidence in this. If you look at some of the proposed amendments, which I have outlined in my notes, they are putting at risk what I consider the work that has been done so far. I do want to put on the record, because some members are getting anxious, that there are probably three things—

Hon. Dwight Duncan (Minister of Energy, Government House Leader): Let's vote on it.

Mr. O'Toole: They're calling for a vote.

If you look at the minutiae in the bill, there are some important aspects that are missing. Section 28 is probably the part that worries me most. Section 28 of the bill would add a new section. Section 39.1.1 would provide that the heritage conservation designation provisions of part V of the act do not apply to government properties or properties owned by prescribed bodies under part III.1. This is an exemption clause which needs, in its final analysis, to be fully understood, and it's one of the treacheries, Mr. Speaker, if I may use that word in a parliamentary sense, of what we're dealing with with this government. Not only is there no money, no grants; there is the omnipotent power of the government.

2000

It appears in section 20 of the bill that the government is exempting itself from the act by stating that heritage conservation district designation provisions in part V of the act do not apply to the government itself. As the member from York North said, it puts at risk the very building we stand in. If it's the right thing to do, why isn't it in here? That's the balance we're looking for. It's the trustworthiness, if you will, the transparency—a word you're prone to use.

I should, out of respect for the Main Street property owners in my riding of Durham, put on the record that property owners want to do the right thing. They want to find the right mechanisms to enhance building façades and do the various enhancements without putting their property and property values at risk. That's the bottom line here. Each of the property owners—

Interjection.

Mr. O'Toole: You made promises. You recognized that government, in its omniscient wisdom—

Mr. Sterling: On a point of order, Mr Speaker: The member from Durham has done a fair bit of work with regard to presenting his remarks on this bill. I find it extremely rude and very difficult to follow his argument when members of the government do not want to listen to the debate before they vote. All they want to do is vote, because they've been told to vote one way on this particular bill. I find it rude; I find it demeaning to the parliamentary process. I think we should listen to the

debate and then make our decision with regard to which way we would like to vote on this bill.

The Acting Speaker: The member's point is well taken. There is a fair amount of heckling starting to develop. For the sake of the House, we should all listen to what he has to say.

I would suggest too that there are members heckling who are not in their seats. If the member does not cease, I'm going to have to ask him to either go to his seat or leave.

Please continue.

Mr. O'Toole: I thank the member of our caucus for intervening and trying to bring reason and respect to the debate. I think it's important for the government to hear the—

Interjection.

Mr. O'Toole: The government House leader is once again making jaded remarks that are in no way a contribution to the debate. Each of us, in our own way, can show respect, and I guess we're responsible for our own actions.

I want to talk for a moment about the issue of property rights. It's the quiet, underlying message here, and it needs to be stated. The legislation reduces the rights of property owners by providing that, unless the act specifically contains a provision that compensation will be payable with respect to a designation, order or decisions made under the act, no compensation will be payable. That's in subsection 68.3(1).

Nothing done under the act constitutes an expropriation under the Expropriations Act. They've exempted themselves from go-forward liability. It's sort of the nanny state you're providing in terms of all the initiatives, whether it's the greenbelt legislation or other initiatives, which most people support. But what you are failing to do is properly compensate people under the property rights discussion.

The Liberals plan to give themselves a big stick to be brandished by the provincial government and municipal councils against property owners, but have failed to provide any carrot through measures such as tax breaks or other compensation to owners. If heritage properties are being preserved for the public good and for the public benefit, it follows as a matter of fundamental fairness that the public should pay, at least in part, for the public benefit that is gained. That's a very salient argument to this particular legislation before us. The government members, in haste to get one more check-off on bills passed, are not prepared to listen and to treat this as a serious matter that deserves government funding.

The law is unfair, but consistent with the Liberals' anti-business attitude. They have added insult to injury by exempting the government from the law, and possibly even agencies such as the Ontario Realty Corp. If the government is not willing to protect heritage properties that are already in public hands, it has no moral authority to basically expropriate the property of private citizens. The government should be willing to abide by the same rules it wants to impose on everyone else.

These are reasonable arguments. I can only say that it's my duty, as a member of the opposition, to point out one of the weaknesses in terms of this particular bill.

I'm going to quote now, with your indulgence, from an editorial in the *Toronto Star* on April 23:

"Toronto had sought substantial tax breaks for heritage buildings, but those aren't in the legislation. They should be.

"The new rules do give land or building owners the right to appeal to the Ontario Municipal Board any heritage decision by city council."

Further from the *Toronto Star* on April 22:

"The city of Toronto welcomed news of the bill," as did many municipalities, "but there was also disappointment that several other changes" that cities wanted, "including enhanced tax breaks for heritage properties, were not included.

"If we don't have the carrot to encourage owners to retain and restore their heritage properties we will continue to have demolition applications," said Kyle Rae....

"The city wants to give heritage property owners who agree not to demolish their buildings without city permission a 40% break on their property taxes."

The Conservative government record, it should be clearly stated, by the member from York North, as well as Minister Tsubouchi in his time—as well as Minister Flaherty, I might say—is as follows: to make clear that the removal of archaeological artifacts is not permitted without a licence. The Conservative record was also to make demolition control consistent across Ontario. There was an increase of fines, as the member from York North has pointed out, from \$250,000 to \$1 million. Amendments allowed municipalities to prosecute offences without having to obtain a minister's consent, and allowed municipalities to expand their mandate to their heritage advisory committees to advise on heritage issues.

Quite honestly, I supported this bill at both first and second reading. I am only disappointed that the work done by the member from York North, as well as by Minister Tsubouchi on Bill 124, after the consultations, isn't mentioned. It needs to be on the record as forming a genesis within the context of Bill 60.

It still remains to be resolved—and we saw the question in the House today as a prelude to the debate tonight. The minister had a friendly question raised by a member of her caucus to address the issues with respect to cemeteries and churches. For the most part, this affects rural Ontario, which is often in need of a larger assessment base to deal with this. Ultimately, she said that at the end of the day, they agreed to disagree. It's the high-handed arrogance that I see continually in this case. They have the greatest intent, as would our leader, John Tory. But what's missing is the economic equation of how to deliver. I see an ongoing inability to manage complex issues, and it's not just heritage.

To digress for a moment, I saw it recently in the Minister of Energy's statements with respect to bringing more generation on line. He failed to tell the consumers of Ontario one consistent thing: At what price?

Right now, we have the Minister of Finance holding, under his auspices, certain consultations on the greenbelt legislation at \$10,000 a plate. We have a Minister of Energy who is reluctant to tell us the price on the RFPs for the cost of energy. We have another piece of legislation here that arbitrarily forces the communities of Ontario, the churches, the cemeteries, the heritage locations—without one red nickel. This is what I call a democracy, where balance and time are of the essence, yet tonight, Mr. Speaker, even in your remarks in chastising the government House leader, they're trying to force the vote to shut down the debate and to cease and desist. The opposition's role is to point out the frailties, as was done very thoroughly by the member for York North.

I stand today in respect to my riding. I think of one of the more recent debates in council on a very contentious issue, widely publicized in my riding of Durham. It had a heritage district designation within the municipality of Clarington, in fact in Bowmanville, incorporated in 1856. It has a beautiful area, its Beech Avenue and Centre Street, which are very familiar. It's a spectacular landscape aesthetically. The widths of the streets don't conform with the allowances and all these things, but it is a treasure, as are many parts of Toronto, like the Beaches, where your riding is, Mr. Speaker. It is a treasure. All of us, I believe, including the government—unfortunately, the legislation is well intended, but there's no mechanism to get there from here.

2010

It was clear that in the heritage district area, some people wouldn't want a prescriptive remedy for what colour they could paint the trim on their house because it wouldn't be consistent with the heritage district. There needs to be a process here.

In my reading of the legislation, I see that the ministry has somehow obsequiously advantaged themselves by allowing a demolition permit after a 180-day waiting period for an ultimate demolition. That's my understanding.

Ultimately, you are not going the full route. You are not providing the money, and you're allowing appeals to the Ontario Municipal Board to address the property rights issues.

I always respect work done by the member for York North and, in this case, Minister Tsubouchi also. As well, the omnibus bill by Jim Flaherty in 2002 went a long way toward advancing the traditions of heritage in this province begun by the Conservative government of the day.

There is no doubt in my mind that our leader, John Tory—who is here tonight; it's good to see one of the leaders here—sees the importance of this debate and seizes the opportunity to show his support for the importance of heritage. We leave the future of our province to those who move forward without what I would say is a real plan. Ultimately, it comes down to that.

If I look at the issues around agriculture—I see the minister is here tonight. Possibly there could be a ministerial change and he could end up in this ministry.

Who knows? I'd say that his dealing on that file has left much tribulation. I look at the minister of family and children's services, who is here as well. The promise to have a national daycare program is unravelling before their eyes. They consistently are unable to manage these very complex files as society moves forward. I can only say that the ministers who are here each have a challenge.

Hon. Steve Peters (Minister of Agriculture and Food): At least we made it, John.

Mr. O'Toole: Again there are interruptions. I'll overlook those for now.

Last week I went to the Lakeridge Health annual general meeting. It was sad, but a positive commentary on my constituency of Durham. It was in Port Perry, actually. Lakeridge Health was making the presentation of their budget. I've spoken directly to Minister Smitherman on this. He knows the problems of rural health, knows the problems of multi-site facilities, yet they're laying off 350 people. There again, the plan I can in some respects support, but the execution fails completely. They promised more nurses. What they're doing is laying off 750-plus nurses. So there's no consistency in the vision and goal of Dalton. There wasn't in the leadership debate—

Mr. Wilkinson: On a point of order, Mr. Speaker.

The Acting Speaker: I have a point of order, but if the point of order is to deal with speaking to the issue, I think the member from Durham is starting to stray pretty far from the issue at hand. I must remind the member from Durham that this is heritage Bill 60 we're speaking to tonight. Please continue.

Mr. O'Toole: The argument here, full circle, is that this bill is just one more statement about good intentions but with a lack of funding commensurate with it. That is the issue with Bill 60, the issue with Bill 135, the issue with Bill 136, the issue with Bill 133. The litany goes on.

I lack confidence in this government to manage complex issues where you're trying to find a balance between property rights and heritage. How much more fundamental could it be?

Interjections.

Mr. O'Toole: There is barracking from the Liberal government. Clearly, there's no need to stand on a point of order. I would point out that first of all they didn't use their time to argue the completion and the contents of their bill. They lack the commitment to really put it on the record using all their time.

In the very little time I have left, I want to say that I'm somewhat disappointed. The member for York North should have had more time and I should have had less; I understand that.

Mr. Dunlop: I disagree. You should have more. We need to hear more.

Mr. O'Toole: Well, I'll try to keep this brief.

The response to the faith groups' proposed amendments to the Ontario Heritage Act: This is kind of a secret briefing note; maybe I shouldn't be reading it. Nonetheless, it's no longer secret:

"The Minister of Culture and faith groups established a technical working group to explore ways to address concerns of religious organizations"—a fair-minded thing to do; I'm sure Mr. Tory would have done the same, but there's a difference here, and I'll get to that.

"The meeting of these groups and subgroups proved very productive and constructive.

"The groups reached agreement in most areas, and its discussions and recommendations will help the development of regulations and guidelines necessary for Bill 60 implementation.

"Areas of agreement included: elements of an effective heritage designation strategy; minimum maintenance standards"—here's the softening language—"for designated properties; need for guidelines and toolkits outlining planning incentives"—there aren't any incentives in this bill—"and best practices under the Ontario Heritage Act, the Planning Act and the provincial policy statement; need for bulletins outlining principles and best practices with respect to the adaptive reuse of heritage properties; and ensuring ongoing stakeholder involvement, including consultations with the faith groups and other stakeholders, in the development of regulations, guidelines and implementation tools.

"The Ministry of Culture and faith groups have agreed to disagree on the issue of compensation for property given"—there it is in a nutshell: There is not one red cent in this legislation. It's a property rights issue; it always has been and always will be.

What you should do, Minister, respectfully, is this: You should respect the issue of property rights, as you did not in Bill 135, as you have not in any other bill—

Interjection.

Mr. O'Toole: The Minister of Agriculture is now barracking. He also knows full well that people in agriculture are suffering a crisis, and he has basically ignored them. It turns out that this minister has done the same. They have turned their backs on the people of Ontario who want to do the right thing.

I can, in the few calm moments left, say this: Minister, do the right thing. Stand at the cabinet table for property designation, stand for heritage and take the fall in the front-line headlines when you disagree with cabinet and resign.

Interjections.

Mr. O'Toole: Oh, no. They don't want to give up the car and the briefcase and the cadre of aides who write most of the speeches.

If you want to make a statement, the member from York North, who will probably take over this portfolio in 2007, really has a handle on this and the heart for it. She has a handle on it, she has the heart for it and she has a knowledge about that which she speaks of. It has been my privilege to sit on committees with her and to see the passion, the commitment. I can just see that at the cabinet table now.

Under our leader, John Tory, times are changing. You can just sense it. You've lost the will and the ability to

govern, and this bill is just a small piece of the overall equation.

Interjection.

Mr. O'Toole: The Minister of Energy should be quiet or I'm liable to switch topics. There's another file that's out of control. Check your electricity bill: It has doubled. They haven't increased the price of electricity; it's all the fees. I think of the heritage buildings; they're going to have to pay electricity bills to keep the buildings warm in case it affects the architectural structure of the building. He's going to charge you double; you can count on it.

2020

In the final minute, if I can tie this into energy—because I'm the critic for energy; at the moment, anyway—think of Niagara Falls. They're putting heritage at risk in the redevelopment of the pump storage project at Beck 3. In terms of energy, I'm carefully vigilant in reminding the people of Ontario to watch this file closely, because the heritage of Ontario has been safe, reliable, affordable power. What we will have in the future is unreliable and expensive power. Last week, they actually reduced energy in the Ontario grid by 5%.

Heritage, to me, begins with a government that is prepared to support with dollars the policy initiatives that they want to move forward with. There's nothing in this bill that wasn't done by David Tsubouchi, there's nothing in this bill that wasn't consulted broadly on by the member for York North, and there's nothing in the bill that solves the issues that have been raised in the debate tonight.

The Liberal government has members hiding in the back rooms, lounging and sitting around because they know there will be a vote tonight. They will probably have a deferred vote, because the House leader is here. I think they should have a vote tonight. If they had a vote right now, there are enough members of the opposition that are interested enough—look at the official opposition here tonight. Our leader, John Tory, is here. I don't want to name members individually. But we can take them out tonight.

See? They have members hidden away in the boardrooms. There's a fear of a threat. This bill could take you down, because it doesn't move us forward.

Mr. Speaker, my time has expired, and it's only just beginning.

The Acting Speaker: Questions or comments?

Mr. Marchese: I'll take just a couple of seconds to congratulate the Conservative Party for their work, while they were in government, to help modernize the Heritage Act.

Hon. Mr. Duncan: I'm pleased to respond and say that I haven't heard this much hooley in the House in my 10 years here.

First of all, no bill has had as much reading as this has at second debate. I find it passing funny that the member would criticize the bill and at the same time say that this was their bill. I find it passing funny that the members—there were eight concerns raised by the churches; we addressed seven of them.

Yes, we disagree. I say to Mr. Sterling: Yes, let's vote. Let's vote on third reading and get this done. It's time to move forward on the bill.

I say to Mr. Tory, this isn't about substantive differences. What this is about, sir, is that fully half of your caucus voted against the bill at second reading. It's not about a free vote; it's about your party delaying the passage of your own bill and what your party wouldn't do when it was in government. Twelve members voted against it at second reading: Barrett, Chudleigh, Dunlop, Flaherty, Hardeman, Hudak, Klees, Murdoch, Ouellette, Runciman, Sterling and Yakabuski—half of your caucus. Let's pass the bill tonight. The people here need to know that your party has signalled to us that you want to keep the debate alive beyond tonight, that you have it scheduled for Wednesday night. We'd like an undertaking that we can finish third reading debate. We have had public hearings—something that party did not do on very many bills, did it? They time-allocated everything. We have taken, as Mr. Marchese said, a year. The bill has been on the order paper a full year. We wanted it passed in the fall. Your party and Mr. Marchese's party said, "Negotiate with the churches. Sit down with them." The minister did that in good faith. We've responded to seven of the eight concerns. The time to pass this is now. If half of your caucus wants to vote against it, so be it. Let us pass the bill.

With respect to money, it was your party that cut the money. That's who did it. It wasn't us. Do you remember the designated heritage funds? What a crock.

You didn't do it when you were in government; you let it die on the order paper. We've consulted, had hearings, had debate. Let's vote on it, let's be public and let's get it done. It's in the interest of the people of this province.

Mr. Jerry J. Ouellette (Oshawa): It's the usual diatribe from the member for Windsor-St. Clair.

Many of us would like to speak on the bill, and I appreciate the opportunity. There are a number of areas of concern.

I heard the minister's speech earlier, and I wanted to comment on some things. She mentioned Parkwood Estate and what has taken place in the riding of Oshawa. Parkwood Estate is a well-known facility, a great location that was donated by Colonel Sam McLaughlin to the people of Oshawa. It's a wonderful facility. I don't know if the minister has been there, but she should take the opportunity to view it. You see numerous things taking place there. The filming of X-Men was there, The Wind at My Back, and a number of other things. But when it comes to the restoration at the facility, they had to go to the southern states to get the same stone to build the gardens there. It cost millions of dollars to recreate that. Where are the costs going to come from? Who is going to cover all these costs when these things move forward? A number of other things have taken place there, in the internal gardens. Colonel Sam did a wonderful job of providing our community with a great piece of history that we're very proud of.

But there are a number of other areas. Where are the mandatory costs and who is going to cover these costs? I think you'll find that the churches' ability to raise funds will be limited because of previous legislation passed by this Legislature. I don't think that has been taken into account by either the government debating the bill here today or the churches. The ability to raise funds by those churches is going to be extremely limited, yet the onus on those churches to maintain certain structures in a certain fashion is also going to take place. That's a big concern of mine.

Another concern, quite frankly, is the control of private property and the losing of one's own property rights and control of what takes place with that. That's one of my biggest concerns.

Mr. Richard Patten (Ottawa Centre): The first thing I want to do is acknowledge Mr. Lincoln Alexander's presence this evening. I want you to know, sir, that we miss the days when you were the Lieutenant Governor of this province and brought to that post a high degree of dignity and grace and a very wonderful sense of humour. We appreciate that very much. It's a delight to see people here. It's not often that we have anyone here in the evenings other than our security staff. It's a pleasure to have you here.

Cutting through all the rhetoric of opposition and government parlance, there is a sense that each of us recognizes the importance of our heritage, especially when we see it slip away. I come from Ottawa Centre, and our city hall is part of a heritage building, an old teachers' college that was converted as part of the city hall. There was a structure called the old Cattle Castle, the Aberdeen Pavilion. The previous mayor—I won't mention her name—was going to tear it down and warehouse it because it was costing the city too much money. Mr. Sterling smiles because he remembers that time. We were able to save that with a contribution from the province that started the process going, and then a contribution from the federal government and from the city. Now it's a wonderful, attractive place that actually makes money for the city because people want to have fairs, dances and parties there seven days of the week.

I could go on with other examples, but I just want to say that after 30 years, it seems to me, we have taken the time to move ahead with this very important bill that helps us continue to identify who we are historically and, therefore, who we are today as Ontarians.

The Acting Speaker: The member from York North has two minutes in which to respond.

Mrs. Munro: I want to thank all the people who have come here this evening to hear the third reading debate.

I want to comment on the remarks made by the government House leader when referring to the delay of the bill. Nothing has been done by this caucus that would delay the bill. The government chose when the hearings were. The government called the bill back for second reading. It was this caucus that asked, before the House rose in December, when the bill was going to come back. We asked for unanimous consent to bring the bill back

for third reading. As I mentioned in my remarks, the minister said on February 21 that the bill would come back before the House rose on March 9. Our House leader again asked for unanimous consent on March 9 when it appeared that the bill was not being brought forward. So there have been no times when this caucus has delayed the bill. The fact that there has been a difference of opinion, as expressed this evening by various speakers, is part of the process: identifying those areas that people recognize as controversial. I think it's really important for everyone here to understand that this caucus has in no way ever been a party to anything that would delay the process by which this bill would go through the House.

2030

The Acting Speaker: Further debate?

Mr. Marchese: I'm happy to have this opportunity to speak to this bill. It's 8:30, and I welcome the citizens of Ontario watching this political forum to these debates, because I know they look forward to a number of speakers in this House speaking eloquently, as they do on so many important issues. This is one such important bill that we're debating tonight.

I have an hour. I'm not sure I have it in me to do that, but I will do my best. I really don't want to delay this bill any more than I have to. But you never know; I could get carried away and it could take the whole hour. It's hard to say.

It took a very long time for people working in the heritage community to come to this. They've been waiting for at least 15 years and longer, that I am aware of. To be fair, it all started with me in 1990, when I was the Minister of Culture, when we began the review of the Heritage Act. It continued with Karen Haslam, who followed me as the minister. I am sad to report that we as a government didn't have it in us to pass a heritage bill that I could have been proud of, but we did begin that process in 1990.

There was a lot of opposition from some of the ministry people, who may or may not be here, from the various ministries with whom we had to work. People in every ministry protect themselves as much as they can and hate to have other ministries infringe on their power and/or responsibilities. Any minister who has had to work with other ministries intergovernmentally understands the complexity of doing that work. Nobody wants to admit that publicly. You've got to play the game and say, "We're working interministerially with others," and "We're getting there," and so on. You've just got to say it. But it's hard. Every minister who is there now and every minister who has been there before, from every political party, knows how hard it is to work with other ministries to get things done.

But we began that work, and it took a long time to get it to where we want today. The Tories, to be fair to them, introduced a bill that had at least 80% or more of your bill. I know it's hard at times for the government to acknowledge that, although I think the House leader acknowledged that in his own inimitable way. But 80%

or more was introduced by the Conservative government, to be fair to them and to be fair to the culture critic, who has been very supportive of this bill.

This is something that people in the heritage world have longed for for a long time. There are about 50 or 60 people here tonight. You don't see 50 or 60 people coming to this place too often on any issue. These are people who volunteer in the field. Some are paid in their field, but many volunteer because they love and respect heritage. If the bill is before us today, it's because of them. I did my little part to push the Liberals along, but the biggest part has been done, instrumentally, by the people up in the galleries and to my left here.

Doors Open has been an instrumental part of educating people about our heritage, inviting people who otherwise would never have an opportunity to see the kind of heritage we have, here in Toronto and beyond. It politicized people. In its own way, it said to the people of Ontario, "We should value what we've got, and look what we've got." And it took so long, but without that program, we would not be here today, in my view. It helped to nudge the Tories and it helped with the Liberals.

That's the kind of politics we need to be engaged in. Governments respond to pressure. Generally speaking, they do not do the right thing—and I speak of all governments, ours included, although we did a couple of things when we were government that we got beaten on badly. Employment equity was one such thing. Introducing employment equity in the recession—I've got to tell you, you're taking a beating, and we did. But rarely do governments do the right thing. They have to be forced along. Pushing that elephant takes a great deal of work, but that's what it's about. It's about political pressure to get governments to do things, and we had them do this. People in the heritage community helped us to do this. And like this bill, so much else could happen when people are politically engaged and you force governments to do the right thing.

I'm happy that we are dealing with this bill, and the House leader is quite right: It's time to move forward. It has taken one whole year. I welcome the House leader when he says, "It's time to move forward," because the Tories and New Democrats said "Let's move now" a year ago and we're still at it. But better late than never, I would assume. To be fair, we were ready to pass this bill in December. New Democrats and, my suspicion is, most of the Tories, and I suspect the Minister of Culture, wanted so much to move ahead. I don't believe it was the House leader who stopped this bill from coming forward in December. I do not believe that. I don't. To be fair to you, I believe it was the Premier's office who stopped this. If I hadn't been a minister, I couldn't tell you this. If I had not been a minister, I couldn't tell you that the logjam happens in the Premier's office. The minister gets a call from the principal secretary to the Premier and everything stops. I know the MPPs smile, because they know that's exactly the way it works. But they can't tell the public. You don't want to tell the public, do you?

Interjection.

Mr. Marchese: Member for Stoney Creek, you don't want to tell the public that, do you?

I am helping the Liberals to tell the truth. Most members would rather hide it under the carpet and pretend, "Oh, no, we've been really diligently working to move this bill." But the Premier's office—and not the Premier, I suggest—stopped this bill, because they said, "Oh, my God, the churches are involved in this."

Interjection: Name names.

Mr. Marchese: The principal secretary et al.

One of the Premier's staff must have said, "We've got a problem on our hands. Good God, the churches are not behind us on this bill. We've got criticism. What the hell do we do?"

Mr. Jeff Leal (Peterborough): Young children are watching.

Mr. Marchese: It's not so bad to say, "What the hell." It's almost pristine language. But you understand what I'm saying. For months it was held there, suspended in limbo. It didn't go anywhere. You had the heritage people saying, "What's going on? I thought the minister was supportive, the parliamentary assistant, so many Liberals, possibly the House leader. What's going on? What's holding this?" So they would write letters. I wrote one, to be fair, helping the process. Then they started bombarding the House leader, the Minister of Culture, the Premier's office and other members, and eventually they had to surrender. They looked bad. It was embarrassing. They couldn't quite understand what the holdup was. Yes, there were criticisms of the bill, but they couldn't quite understand, if this bill was as great as the minister said it was on February 21—more or less, give or take a day or two—when she made a ministerial statement on Heritage Day about the fact that we had a most historical bill before us—she was referring to Bill 60—and that heritage buildings were being torn asunder as she spoke and that this bill that she had would prevent the crumbling, the tearing down of beautiful historical buildings. I said to myself, "If that is so, why hasn't she introduced this bill if she's so proud of it?"

2040

Again, with all due respect, if the government was so proud of that bill, why didn't they just introduce it, rather than making a ministerial statement saying, "What a great bill we've got. It's coming. Buildings are being torn down as we speak"? We had no bill before us. It was right there. All the Liberals supported it, Marchese and the NDP supported it, and so many Tories, with a few exceptions, supported it. We couldn't quite understand the holdup.

Interjection.

Mr. Marchese: Look at my audience?

Interjection: You're losing them.

Mr. Marchese: If I'm losing you, let me know, because I will stop. Let me know, because I can't see them. As soon as you get a sense that they don't like what I'm saying, do this to me and I'll stop.

Interjection.

Mr. Marchese: I need to know, right? You'll let me know. Because I've got to tell you that, even if I stop speaking—

The Acting Speaker: Order, please. The member from Trinity-Spadina knows that you're supposed to speak through the Speaker, not to the audience.

I would also remind the honourable member who has been standing up in plain view here, and who continues to speak, that he does not have the floor. I would ask the honourable member to please go to his seat, because he has been there for a long time. Thank you.

You may resume debate.

Mr. Marchese: Speaker, with all due respect to you, I'm always looking at you even though I might be there. I've got an eye on you and an eye on them and everybody else at the same time. Ubiquitous, I am, in my regard to you and everyone else.

Interjection: Where were we?

Mr. Marchese: Heritage. When I think about what places like Europe have—I'm Italian-born. I love to go back to Italy as often as I can afford, and that's not too often, but I do love to go back to Italy. Do you think people go back for the spaghetti? I think they do. Do you think people go back because Italians are friendly? I think that is true. Marie?

Hon. Mrs. Bountrogianni: Yes.

Mr. Marchese: But why do they go back? Not just Italians, but so many tourists—millions every year, from all over the world. Why do you think they go to Italy?

Hon. Mr. Peters: Heritage.

Mr. Marchese: You've got it, Minister: 44% of the world's heritage is in Italy, and they treasure it. Am I wrong in the number? Heritage people, how much? A lot.

Hon. Mrs. Bountrogianni: What about Greece?

Mr. Marchese: And Greece too. God bless.

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): What about England?

Mr. Marchese: And God bless England.

There is a great deal of heritage in Europe, and people go back because of their heritage, and they value it. The Minister of Culture in every government in Europe has power, unlike Canada. The Ministry of Culture in every government of Europe has a great deal of power, because they value it. Here, it's almost the least important. We give so little importance to culture and to heritage in particular. Those of you who won't admit that, as I do, should say that, because it's true. For so long in Ontario and Canada, we have destroyed so much of the beauty of our heritage. It has taken so long to get to support a bill that says, "Enough." We have to support our heritage because it speaks to who we are and who we were and who we need to be, and preserving it takes a great deal of political will.

I'm very excited and happy that the government has decided to bring forth this bill, because I've got to tell you that I was worried. We thought, given the support that we had, that they would have passed it last December, and I thought that with the support of the House leader we would have passed this bill during that last

sitting that we had here, starting in February and ending March 9. We had a good sense that the minister and the government was going to do that, and it didn't happen.

Mr. Yakabuski: Was it the Premier's office thing again?

Mr. Marchese: It's the Premier's office thing again. They claimed that they were working out some wrinkles with the churches and others, and they might have been working at it; it's possible. I don't know what they did. There is no result of those discussions that I am aware of, by way of amendments that we might get in the future or by way of commentary that says, "They might have had something to say and it's real and we're going to deal with it." There was no talk of that. So if they met with the churches, if that's what stopped this bill, we don't know the result of those discussions. I don't really want to know that, except to say that in committee, in the hearings that we had in December, I moved three amendments, and one of the amendments had to do with cemeteries. It wasn't supported by the government.

We know that the Minister of Consumer and Business Services continues to be responsible for all cemeteries and burial sites in Ontario. We know since 1995 the cemeteries branch of the ministry has ordered on two occasions that it was in the public interest for pioneer cemeteries to be relocated for real estate development. These two cases—Clendenan and St. Alban's Anglican Church cemeteries—were successfully appealed to the Licence Appeal Tribunal, which ruled against the cemeteries branch. The government of Ontario, in my view, was discredited, and it cost the taxpayers of Ontario over a million bucks.

The weakness of this bill vis-à-vis the Cemeteries Act continues. In spite of what the minister or any Liberal member tells you, the weakness of our protection of cemeteries continues. It's for that reason that I introduced an amendment trying to protect 4,500 sacred places, which in my view are also part of that heritage. The Liberals didn't see it that way. They still don't see it that way, from what I can tell. I'm not quite certain what discussions they might have had with people connected to cemeteries. I don't think they got a good hearing from them; maybe they did. But clearly they have not been moved enough to have made amendments, or at least accepted mine. That would have gone a long way with people worried about the connection to our cemeteries and to our history, to say that we were introducing amendments that would protect them.

In spite of what the minister and others tell you, cemeteries are not protected. It's up to municipalities to decide that they will protect them or not. If they choose not to protect them, they're not protected. The Ministry of Consumer and Business Services will continue to do what it has done, particularly in terms of the two instances we have witnessed. They are not the great protectors of cemeteries, quite clearly. So leaving that job to that ministry is not where we should be holding the levers of power to do that.

I'm hoping, in spite of the fact that the Liberals did not accept my amendment, that there will be time within

their mandate to review that—and the minister has the luxury to do so—and say, “We can make amendments,” and that would be OK.

I did not want to hold up the bill because they refused to accept my amendments. I felt it would have been wrong to have done that. We could have moved on this a lot faster.

I also introduced another amendment to the bill because the owner of a designated property will have a right of appeal to the Ontario Municipal Board in the case of either a municipal or provincial refusal of a demolition permit, and we said that this should be changed to allow third parties to appeal to the board the consent of a municipality to a demolition as well, which does not appear to be allowed under the current wording. So I introduced a motion that would permit this. The Liberals refused that as well, as they do with so many amendments that we make in our committees.

2050

I’ve got tell you, in spite of anything this government has told you about operating differently, they don’t. We all operate the same: We get into government and then urge the opposition parties to be nice, to be agreeable, not to oppose us so strongly, not to be so negative. We all play that game. Nothing changes. People go into opposition and get into opposition mode; they get into government, and all of a sudden they’re really nice people. Then they just wish that the opposition could just be nice and go away.

No changes were made to this particular bill. No changes were made to the bill that I debated, the Accessibility for Ontarians with Disabilities Act. Hardly any of the major changes were made, and it took a lot of effort, toward the last day or so, to get some changes to the bill. It’s embarrassing. You introduce so many amendments that have no money implication, and they all say no, just like seals. They all raise their hands and say no, because they’ve been instructed to say no, unless instructed to do differently. Every government does this; it’s embarrassing.

To be fair, it happened in our government as well. I recall, when I was in committee, I would listen to the opposition members introducing amendments, and I would say to myself, “What’s wrong with that?” I recall going to a staff member and saying, “What’s wrong with that amendment? It sounds OK to me.” When the staff member said, “I don’t know,” and I said, “I’m going to vote for it,” all of a sudden the poor staff people went all over the world scrambling, particularly to the Premier’s office, saying, “Marchese’s going to freelance.” Then the Premier’s office comes crumbling down with the weight of the power it has and tells you to behave. They did that then. They did it, we did it and you’re doing it again. You’re all doing it—all this with a promise to change. Even though amendments are made in every committee that are really reasonable, acceptable and have no money implication, government members decide they just cannot support them.

Here’s the problem: While Mr. Lincoln might be watching you, or Mr. Sewell and others—by the way, in

my mind, most of the people here are important in terms of the weight they have on government and on me in terms of their influence. They’re all watching, it’s true. If we only had more of the citizens of Ontario watching us carefully in committee and carefully here, so much would change.

I also made another amendment dealing with compensation for people who have heritage buildings, and I want to acknowledge the fact that it’s costly to maintain a heritage building. To maintain it and improve it means that your property values are likely to go up. The city doesn’t pay for you; the provincial government doesn’t pay for you. If your property is designated, you’ve got to pay it.

Hon. Mr. Peters: You can phase in the assessment.

Mr. Marchese: Phase it in? Yes, sure. You could phase in the assessment; I suspect they could do that. You could appeal the assessment, and many do. But by and large, when an assessment officer comes to your house and sees a building that has value, that has been improved and is likely to increase in value, your property taxes are going to go up. The minister might say that that’s OK, because in the end, if he or she wants to sell, he or she will get more money out of that building. But most people don’t want to sell their buildings. In the meantime, you are whacked with incredibly high property taxes, not just for the services that you’ve got to pay for, but because assessment keeps on going up regularly almost every year. So I introduced an amendment saying that we need to compensate people because of the increased property values that owners have, and the government refused to do that. They killed that amendment as well.

I find it difficult in opposition from time to time when you do these things and you don’t get the support of the government, but there’s nothing you can do about it. You move on. You debate and you present your amendments in committee and you present your amendments and your arguments in this Legislature and you hope for the best. You hope that people, as they watch this parliamentary channel, are able to understand and, with it, help to make governments change things for the better.

Minister, I will not prolong the debate because, from my point of view, I think I’ve said more than enough. We support this bill. We made amendments. We hope that in the future you will review those amendments that I made and others that other people in the field suggest as a way of making this bill stronger. But we have no interest in delaying this bill any further. At any moment that all the three political parties are ready to do so, we will support it.

The Acting Speaker: Questions and comments?

Mr. O’Toole: I always enjoy the member from Trinity–Spadina. He speaks with passion and conviction. His references to Italy having 44% of all the heritage sites is in some way respectful to the issue of how important it is to tourism, but also as we apply it to the province of Ontario.

There are parts of this bill that certainly should be revisited by the minister. I am on record as being

supportive of the group that sat here tonight and the work they do on an ongoing basis to advise the ministry. That work is important, to have the independence and the expertise that, I might say, is important to the debate, because many members here depend on your input. I would encourage you to contact members of all caucuses so that we know the issues that are substantively difficult in the implementation of the ministry's intent.

In defence of the minister's position here, as has been stated by the member from Trinity-Spadina, it is all run from the centre. We've heard the government House leader. He's just one of the small minions acting on behalf of Premier Dalton McGuinty, failing to move forward with initiatives that, in many cases, we know would have passed. They have the majority and they really, quite arguably—I sat this afternoon on Bill 136 and heard arguments made about the preservation of heritage within the planning regime in Bill 136. I heard the same debates on Bill 135.

But at the end of the day, under the Dalton McGuinty government and their provocative claim that they listen and respond—it clearly isn't there. The evidence before us today is that they're going to ram this through with their majority and aren't going to listen to any of the well-intended amendments brought forward by Mr. Marchese and the member from York North.

They are the government. There is some intent to this bill out of respect for the work done by Minister Tsubouchi on Bill 124. At the end of the day, they'll win the vote. They're just trying to wait it out and have the government House leader call this for third and final reading.

Mr. Gilles Bisson (Timmins-James Bay): I rise in support for my colleague Mr. Rosario Marchese, who is always most interesting and most entertaining and most on topic. I watched him from the office as I was making calls. I agree with him, in the sense that there are some issues in this bill that we think could have been dealt with differently, but overall we're not going to use those as objections for not allowing this bill to go forward.

We remind the people who are here today that it's because of your putting some pressure on the government that this bill has actually come forward. We indicated to the government—I can tell you this as whip for the New Democratic Party—that we have been prepared to deal with this bill for some time. For whatever reason, it has not come forward as quickly as it should have. But it's here now. I say to the government House leader, better late than never and better late than sorry, I guess. We intend to support this bill.

I want to say for the record that I have had an opportunity to meet with a number of church groups on this particular bill, as probably most members have been lobbied from different perspectives. I understand some of the issues and share some of the concerns that they've brought forward. I just say that this bill, in whatever form it's in now, is better than nothing. I think it moves forward on a number of issues.

2100

There's another point that Mr. Marchese made at the beginning of his speech—Speaker, you would have heard it—that I thought was quite refreshing to hear from a member of this assembly: He took some responsibility for his time as minister within the Rae government and said that, yes, the process started under his direction as the minister of the day but nothing followed, that successive governments have maybe dragged this thing on longer than they should have. It's refreshing to hear a member take some responsibility for a change, and I thought that was kind of nice.

I say to the member: Congratulations, work well done. Better late than never. Let's move forward on a vote on third reading.

Mr. Yakabuski: It's my pleasure as well to speak to third reading debate on Bill 60.

Some of the members of the government side have made comments tonight alluding to the fact that the Progressive Conservative Party is opposed to the protection of heritage sites and architecture in the province of Ontario. Of course nothing could be further from the truth. It was under former Premier Bill Davis in 1975 that the importance of protecting and preserving our unique and rich cultural architectural heritage in this province was recognized—a government of which I'm proud to say my late father was a member.

The concerns we have—the member for Timmins-James Bay just registered them, as did my colleague from Lanark-Carleton and our critic from York North. It's the lack of consultation on the part of this government. It was going to ram this bill through, but all of a sudden, "Oh, the churches are very upset." I have met with church groups in my riding as well, as recently as last Friday. They have tremendous concerns about the implications of this bill.

The House leader was jumping up and down in one of his little tirades and going on about having settled seven of eight disputable points or concerns of the churches. It would be interesting, and I think it would be fair to the people of Ontario and those who are members of congregations of churches throughout the province, to hear what has been done. What kind of agreements or arrangements have been made to satisfy the very real and deep concerns of the churches throughout the province? Not just more backroom politicking on the part of the House Leader and they're going to ram it through.

We moved for unanimous consent to bring this bill back for debate. We've not been ducking it. This government has been afraid to bring it forward because there was so much opposition to certain components of it. There were—

The Acting Speaker: Further questions or comments?

Mr. Sterling: There could be no story more untrue than that the opposition parties in this Parliament stall the legislative business of this Legislature. If you had been here from 1995 to 2003, you would have seen the most obstreperous opposition ever on simple, straightforward bills. We were forced to sit here night after night and

were often forced to bring forward time allocation motions as a result.

Interjections.

Mr. Sterling: Well, we were. I was the government House leader. I had to work with these people—or try to work with them. The whole notion that we're stalling anything is such a joke. When you compare it to what happened here in the past, it's unbelievable. Even on bills they voted for, they would debate three days and we would have to debate another time allocation motion on the fourth. They would rather do that than have committee hearings. We couldn't negotiate with them.

This bill is an important bill—no question about that—and it has been a long time coming. Both previous governments had reports with regard to this and failed to take action. The previous government did take action but couldn't get the support of the opposition at that time. Therefore, in spite of my opposition to the property rights aspect of this bill, I think it is time for us to consider third reading of this bill.

The Acting Speaker: The member from Trinity-Spadina has two minutes in which to respond.

Mr. Marchese: I thank all of the members who did their two minutes, and would say to the government that I was a bit worried for quite a long time. I did not believe that the government had the strength to bring this bill forward, because since last December they indicated no interest or desire or strength to be able to say, "We are going to bring this bill forward." Then finally, because of the pressure, John, it worked, and we're debating this bill. It's an important bill.

One of the welcome additions to this bill is the fact that it will give municipalities the ability to prevent the demolition of heritage property. That's key. We didn't have that before. This is key. It also allows the province to be able to designate buildings. That's power as well, which means you can pressure the provincial government and not just municipalities to be able to designate a heritage building.

Churches raised a good point. They have buildings that sometimes take millions to restore. Sometimes they lose their following or they lose the people, and as a result they think they might have to get rid of the church. If it's designated as a heritage site, they say, "We lose all that investment. How are we protected?" My motion would have helped in some way, although I think other amendments have to be reflected on in terms of how to support those well-founded problems and fears that the churches have, including those who care about cemeter-

ies. They are an integral part of our heritage. You should make changes that protect them. You have the time within your mandate to review that, and I hope you will do that. Until then, however, I support and acknowledge the fact that we are dealing with this bill once and for all.

The Acting Speaker: Further debate? Are there any members who wish to speak further to this debate? Seeing none, Minister Meilleur, you may respond.

Hon. Mrs. Meilleur: I thank everyone who assisted tonight. I think you have been very patient. We appreciate your attendance here tonight and your contribution to the protection of heritage properties in Ontario. I also wanted to thank all those who have spoken in favour and those who did not speak in favour of the act.

It is a bill that we have been awaiting for quite some time. I recognize that there have been contributions to this bill from the three parties, and I wanted to thank you. I also wanted to thank those in Ontario who have invested their money in protecting our heritage.

I am very pleased, and I hope the bill will be passed as soon as possible.

The Acting Speaker: Madame Meilleur has moved third reading of Bill 60, An Act to amend the Ontario Heritage Act.

Is it the pleasure of the House that this motion carry? I heard some noes.

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

There being more than five members—I was going to call on the members for a 30-minute bell, but we have here a notice.

Pursuant to standing order 28(h), it has been requested that the vote on the motion by Madame Meilleur for third reading of Bill 60, An Act to amend the Ontario Heritage Act, be deferred until deferred votes on Tuesday, April 19, 2005, at the time allotted.

Is there any other business before the House? Orders of the day.

Hon. Mr. Duncan: I move adjournment of the House.

The Acting Speaker: All those in favour? Opposed? I heard a nay.

All those in favour will say "aye."

All those opposed will say "nay."

The ayes have it.

The House will stand adjourned until 1:30 tomorrow afternoon.

The House adjourned at 2110.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiles et de l'Immigration
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative Prue, Michael (ND)		Marsales, Judy (L)
Beaches-East York / Beaches-York-Est		Hamilton West / Hamilton-Ouest	
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hastings-Frontenac-Lennox and Addington	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Mitchell, Carol (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)		Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Burlington	Jackson, Cameron (PC)		Witmer, Elizabeth (PC)
Cambridge	Martiniuk, Gerry (PC)	Kitchener Centre / Kitchener-Centre	Van Bommel, Maria (L)
Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Sterling, Norman W. (PC)
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Runciman, Robert W. (PC)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint Wynne, Kathleen O. (L)	Lanark-Carleton	Matthews, Deborah (L)
Don Valley West / Don Valley-Ouest		Leeds-Grenville	
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London North Centre / London-Centre-Nord	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Durham	O'Toole, John (PC)	London West / London-Ouest	Ramal, Khalil (L)
Eglinton-Lawrence	Colle, Mike (L)	London-Fanshawe	Wong, Tony C. (L)
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Markham	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Erie-Lincoln	Hudak, Tim (PC)	Mississauga Centre / Mississauga-Centre	Fonseca, Peter (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative Cansfield, Donna H. (L)	Mississauga East / Mississauga-Est	Peterson, Tim (L)
		Mississauga South / Mississauga-Sud	Delaney, Bob (L)
Etobicoke Centre / Etobicoke-Centre		Mississauga West / Mississauga-Ouest	
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	Baird, John R. (PC)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Centre / Niagara-Centre	Kormos, Peter (ND)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Craitor, Kim (L)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Martel, Shelley (ND)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Smith, Monique M. (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Northumberland	Rinaldi, Lou (L)
Halton	Chudleigh, Ted (PC)	Oak Ridges	Klees, Frank (PC)

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziatti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Monday 18 April 2005

SECOND READINGS

Ontario Heritage Amendment Act, 2005, Bill 60, *Mrs. Meilleur*

Mrs. Meilleur.....	6343, 6347, 6361
Ms. Mossop.....	6344
Mr. Dunlop.....	6346
Mr. Marchese	6346, 6355, 6356 6361
Mr. Wilkinson	6347
Mr. Sterling	6347, 6360
Mrs. Munro	6347, 6356
Mr. O'Toole	6351, 6359
Mr. Duncan	6355
Mr. Ouellette	6355
Mr. Patten.....	6356
Mr. Bisson.....	6360
Mr. Yakabuski.....	6360
Vote deferred.....	6361

TABLE DES MATIÈRES

Lundi 18 avril 2005

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur le patrimoine de l'Ontario,

projet de loi 60, <i>M^{me} Meilleur</i>	
M ^{me} Meilleur	6343
Vote différé.....	6361



No. 131

N° 131

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 38th Parliament



**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 19 April 2005

Mardi 19 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 19 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 19 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

CONSERVATION

Mrs. Julia Munro (York North): On Friday, April 15, I was pleased to attend the 17th annual Lake Simcoe Region Conservation Foundation fundraising dinner. This event is one of the key fundraising activities of the foundation. It supports conservation programs throughout the watershed. These programs serve a variety of conservation needs, such as raising public awareness throughout the watershed, programs designed specifically for teaching children about conservation and the importance of the lake, rural watershed management practices and urban retrofitting projects. These are all important undertakings for the other "Great Lake," Lake Simcoe. Lake Simcoe is a \$200-million annual economic resource. It is the drinking water source for many communities. The lake provides recreational opportunities for over half the population of Ontario.

Many municipalities around the lake were represented at the dinner by their councils. The federal level of government was represented by Belinda Stronach, the MP for Newmarket–Aurora, and Peter Van Loan from York–Simcoe. The province was represented by Frank Klees of Oak Ridges and me.

The best news is that Friday's dinner raised a net \$60,000 for the foundation. Congratulations to the organizers and to the generous guests at the great dinner at DiNardo's in Aurora.

KAWARTHA CHOICE FARMLAND FOODS

Mr. Jeff Leal (Peterborough): I'm pleased to be able to speak to the House today about Kawartha Choice Farmland Foods, a local Peterborough-Kawartha initiative that has now been running for just over a year.

The Kawartha Choice initiative is designed to provide marketing and branding material and concepts to local agricultural producers and the companies that sell their products. Specifically, Kawartha Choice is a local initiative focusing on promoting the wide variety of agricultural products grown and produced in the Kawartha region.

The original intent was to develop a "Buy Local Beef" campaign; however, once the logo was established, the concept expanded to include other local agricultural products. From beef to buffalo, honey to maple syrup or apples to sweet corn, the Kawartha Choice logo is your assurance of the quality and integrity of locally grown products.

After nearly one year, there are more than 75 participants displaying signs on their farm gates, displaying a sign on their farm market booth, hanging a banner at their event or preparing a dish in a restaurant featuring locally produced product and telling their customers by displaying a banner or including a Kawartha Choice logo on their menu.

The Kawartha Choice initiative is designed to support local producers and the companies that sell their products by providing marketing tools and the official Web site, www.kawarthachoice.com. The goal is simply to help them clearly identify local products for consumers.

The initiative's benefits are: Local producers will sell more product, local companies will either process more products, such as local butchers, or sell products, such as local marketing vendors, grocery stores and specialty shops. Local marketing/promotion companies will benefit from the purchase of Kawartha Choice marketing materials. Tourism events, such as fundraising barbecues, will benefit from the increased "BBQ in a Bag" promotion.

BOWMANVILLE FOUNDRY

Mr. John O'Toole (Durham): I rise in the House today to recognize the publication of a new book that celebrates the history of a foundry in my riding. The book is entitled *Iron in the Blood*, and is subtitled *The Bowmanville Foundry: One Hundred Years of Innovation*.

The foundry was founded in 1901. It began operation under the ownership of Christian Rehder. It remained in the Rehder family for most of the past century, most recently under the leadership of Tom Rehder, an esteemed member of our community. Today's proprietors, President Michael Patrick and David Boothman, along with their team, continue the tradition of entrepreneurship, innovation and excellence.

Throughout its history, the foundry has employed many generations of men and women in Bowmanville. It has overcome technical challenges, two world wars, a global depression, several recessions, fires and flood.

I'd like to pay tribute to the two local authors, Helen Bajorek MacDonald and Helen Lewis Schmid, who are the co-authors. Their book successfully combines family history along with community, labour and economic history.

The official launch of *Iron in the Blood* takes place this evening at the Bowmanville Museum. The book recognizes a pioneer business that remains a vital part of the local economy in the 21st century.

I'm pleased to commend the authors for launching the book on the Bowmanville Foundry, and the Bowmanville Foundry and its current operators for their continued service to jobs and the economy in my riding of Durham.

STEEL INDUSTRY

Ms. Andrea Horwath (Hamilton East): This morning the city of Hamilton's planning and economic development committee, backed by the mayor, approved a resolution supporting our steelworkers in their effort to have Stelco entertain a new offer.

Also this morning, I had hoped to hear back from my Liberal MPP colleagues from Hamilton. Yesterday I asked them to sign a joint resolution urging their government to become actively involved in pushing for Stelco to at least consider the USWA-Tricap plan. They had until noon today to express interest in signing a resolution from all of Hamilton's MPPs urging Stelco to sit at the table with steelworkers and their financial adviser and drum up the best possible deal for all workers, past and present, including funding workers' pensions. I regret to say that the phone calls from my Liberal friends never came. They wouldn't sign on to help our city's number one industry, steel, and its largest employer, Stelco, in their time of greatest need.

The company needs to be looking seriously at every option out there. It can't afford to summarily dismiss proposals out of hand. The Ontario government needs to be there to ensure that all proposals receive due and fair consideration.

I hold no illusions that the USWA-Tricap proposal is a panacea for all that ails Stelco. Nevertheless, the Ontario government needs to be there to send the right signals to ensure Stelco can sustain itself and grow again over time for workers who give the company its strength.

Here in this House I've been asking to see the government's plan for modernizing the steel industry, winning projects that will benefit steel and resolving its pension problems. Today, I will be tabling a resolution supporting steelworkers in Steeltown. I hope Premier Dalton McGuinty and his Liberal MPPs come out of hiding and use their influence to help Hamilton and the people who elected us to represent them.

1340

CECILIA ZHANG

Mr. Mario G. Racco (Thornhill): I rise in the House today in memory of Cecilia Zhang. We all remember the

story of the little girl's disappearance and the tragic news of her death in March 2004.

Her parents set up a beautiful memorial Web site and numerous memorial funds. They have openly shared their lives and that of their daughter's with the world.

Cecilia was a caring little girl who loved animals and had the gift for music. The Web site features a wish list that Cecilia wrote. It is not your typical nine-year-old's wish list. She wished nothing for herself. Perhaps the most profound wish she made was "that there are no more wars in the world and that equality is everywhere."

It is with this in mind and her love for music that the Cecilia Zhang Memorial Music Award was created by my wife, Councillor Sandra Yeung Racco, and the Royal Conservatory of Music. This memorial award will be granted to a music student between the ages of nine and 10 who possesses musical ability but not necessarily the financial means. It provides equal opportunity to all deserving young musicians.

Tonight, at the City Playhouse Theatre in Thornhill, the Cecilia Zhang memorial concert will take place. The concert will feature performances by many young students from the Royal Conservatory. All the honourable members in this House are invited.

Special thanks go to Cecilia's parents, the Royal Conservatory of Music and my wife, Councillor Sandra Yeung Racco.

Cecilia's memory will live on through the Cecilia Zhang Memorial Music Award. Thank you, Mr. Speaker, for listening.

LONDON CLEAN AND GREEN

Ms. Deborah Matthews (London North Centre): While recently visiting the grade 5 and 6 classes at Trafalgar Public School in my riding of London North Centre, I asked the students what we could do to make our community better. A young woman named Courtney Denda suggested something very practical: planting trees and cleaning up Vauxhall Park, near her school. Several other students immediately volunteered to help.

So, in the spirit of spring and Environment Week, Courtney, myself and many others are doing our part to clean up the environment. We have pulled together the Deb Matthews clean-and-green team as part of the London Clean and Green initiative, which coordinates a number of organizations to clean up London every spring.

On Saturday, April 23, thousands of Londoners will be donning their gloves and rubber boots to work together to help clean and green neighbourhoods and parks around our city. We will pick up litter, remove graffiti and plant trees. Please join us. When you do, you can be proud of being part of a growing trend across Ontario, Canada and North America that happens every April.

London Clean and Green is a local version of a national community cleanup program, Pitch-In Canada. Many other cities across Ontario promote citizens to get

outside and clean up their neighbourhoods, including Toronto, Mississauga, Waterloo and Windsor.

Come and join me, Courtney Denda, students from Trafalgar school and our Deb Matthews clean-and-green team at Vauxhall Park on Saturday morning. Let's all work together to make London clean and green.

FORMATION PROFESSIONNELLE

SKILLS TRAINING

M. Jean-Marc Lalonde (Glengarry–Prescott–Russell):

Il me fait plaisir de partager avec vous et tous mes collègues aujourd'hui une initiative importante du gouvernement McGuinty.

Vendredi dernier, j'étais au campus de la Cité collégiale de Hawkesbury en présence de la présidente, Andrée Lortie, pour faire part d'un octroi au montant de 214 \$ mille pour la conception d'un nouveau programme de soudure qui permettra aux jeunes femmes de Glengarry–Prescott–Russell de se lancer dans ce métier.

Yes, this new welding program will help 20 young women in the riding of Glengarry–Prescott–Russell to start careers in welding.

Compte tenu de la pénurie de soudeurs dans les métiers, ce nouveau programme suscitera un vif intérêt chez les usines de la région telles que IVACO et Gray Hawk.

J'ai eu le plaisir d'entendre le témoignage de Sonya Plouffe, qui a fait son cours de soudure avec des jeunes hommes. Non seulement travaille-t-elle maintenant comme soudeuse, mais c'est elle qui forme les nouveaux arrivants chez Gray Hawk. Dorénavant, les jeunes femmes de cette région intéressées par la soudure auront l'opportunité de faire leur cours en français, une première en Ontario.

Oui, M. le Président et chers collègues, le gouvernement McGuinty a su répondre à la pénurie de soudeurs sur les chantiers de construction ainsi qu'au besoin d'intégration des jeunes femmes dans le métier.

I am proud of this new direction in the trades brought forward by the Minister responsible for women's issues.

Il était temps pour les femmes et il était temps qu'elles soient reconnues dans cette compétence, soit le métier de soudeur.

HIGHWAY 7

Mr. Norman W. Sterling (Lanark–Carleton):

Unfortunately, I must rise again to tell members of this House of another tragedy which has occurred on Highway 7 near Carleton Place. On Saturday, a mother and her young daughter from Ottawa were killed in a traffic accident on this dangerous stretch of highway.

I was very proud when I, as Minister of Transportation, committed \$85 million to widen this stretch of highway. I knew that I was announcing something that would make a difference in the lives of my constituents. At that time, the project was scheduled to start last year.

Unfortunately, since the McGuinty government came to power, they have said they remain committed to this project but have not yet started any construction. I have written to the Minister of Transportation many times, and I have made statements in this House asking about this issue, and I will continue to do so until construction really does begin.

This accident occurred on a stretch of highway that would not have been affected even if construction had begun as we had planned before. In February, the last time I asked for a timeline, the minister said construction would not likely begin for another year. That is too long for my constituents. Too many people are being injured and maimed and killed. Today I call upon the minister to do everything in his power to get this project started now.

HEALTH CARE

Mr. Phil McNeely (Ottawa–Orléans): I came across an article by Sam Roberts, a columnist at the New York Times, that I want to share with this House.

Sam Roberts's wife called him at work and said she had inexplicable heaviness in her chest. Mr. Roberts asked his wife to phone her internist. When the internist heard the symptoms and her family history, he said, "Go, go, go to the emergency room," which she did. On arrival, she was tethered to heart monitors, intravenous tubes were inserted and tests were conducted. The specialists ordered she be admitted overnight. The Roberts family was insured, so Mr. Roberts phoned the Empire Blue Cross and Blue Shield that covered them. They assigned a number and case to Mrs. Roberts. Nothing was discovered, so she was released the next night and urged to take more tests, including an echocardiogram.

Three days later, the insurance company, through a letter, denied coverage for the cost based on their doctor's judgment that the requirement for acute in-patient hospital stay for evaluation of chest pain was not medically necessary.

A week later, the hospital bill for \$4,900 came; \$500 for a cardiologist; \$900 for an internist; \$1,308 for additional tests ordered by the internist; and \$1,718 for the tests at the hospital. The total bill payable by Mr. Roberts was \$9,375. Even if Empire Blue Cross changes their decision and does accept to pay their share, the Roberts family will still pay \$4,400.

If the chest pains come back, what will they do next time? Imagine: This happened with health care coverage. What about the 40-million-plus Americans who are not covered?

When the Leaders of the Opposition, both federally and provincially, want to take us down the slippery slope of private health care, think twice.

WEARING OF RIBBONS

Hon. George Smitherman (Minister of Health and Long-Term Care): On a point of order, Mr. Speaker: I seek unanimous consent to allow all members to wear the

green ribbon in recognition of organ and tissue donation week.

The Speaker (Hon. Alvin Curling): Do we have unanimous consent as requested by the Minister of Health? Agreed.

REPORT OF CHIEF ELECTION OFFICER

The Speaker (Hon. Alvin Curling): I beg to inform the House that I have laid upon the table the 2003 Annual Report of the Chief Election Officer of Ontario.

VISITORS

The Speaker (Hon. Alvin Curling): In the members' east gallery we have Walt Elliott, a former member from Halton North in the 34th Parliament; also, another distinguished member, Hugh O'Neil, a former member for Quinte from the 30th to the 35th Parliaments. Welcome.

Mr. Mike Colle (Eglinton–Lawrence): On a point of order, Mr. Speaker: Also in the east gallery, an illustrious council member for the city of Toronto, Toronto Centre–Rosedale, Kyle Rae is here.

We also have the Order of Canada award winner and the former mayor of the city of Toronto, John Sewell.

The Speaker: Thank you very much. My eyes must be fading. I can see you from there and you are all welcome to the House.

1350

STATEMENTS BY THE MINISTRY AND RESPONSES

ELECTRICITY SUPPLY

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I am pleased to announce during Earth Week that the McGuinty government is moving forward to help our province meet the growing demand for electricity in a way that respects the environment and the air we all breathe.

Last April, our government initiated a call for proposals for 300 megawatts of new renewable energy capacity, opening the door to a significant increase in the number of clean power sources in Ontario, such as wind, solar, water, biomass and landfill gas. As a result, shovels are going into the ground on 10 new renewable energy projects that will provide Ontario with 395 megawatts of clean, green power. Not only will these projects bring an estimated \$700 million in new investment to Ontario; they will also increase Canada's current installed wind capacity by approximately 80%.

Our government understands that finding clean, affordable, sustainable sources of electricity must be a top priority of this government, especially as the entire country seeks to reduce its greenhouse gas emissions. That's why we have set a target of generating 5% of Ontario's total energy capacity from renewable sources by 2007, and 10% by 2010. Achieving these goals would

make Ontario a clear leader in encouraging alternative power and greener forms of energy. The strongest interest from our last call for proposals demonstrated that there are plenty of people interested in renewable energy who want to help us meet our needs.

I'm very pleased to announce that our government is taking another giant step forward to embrace cleaner, greener sources of electricity by issuing a call for proposals for up to 1,000 megawatts of new renewable power, enough to power 200,000 homes. The RFP will be released this Friday, April 22, and proponents will have until August to submit proposals for wind, water, solar, biomass and landfill gas projects with a capacity of 20 megawatts or more. The range of proposals we expect to receive will allow us to choose the most viable, cost-effective projects for Ontario's electricity consumers, and we expect that successful projects will be announced as early as this fall.

Our government is creating a brand new industry in our province. For example, when we took office, there were only 14.6 megawatts of wind power capacity in Ontario. We expect that by 2007 there will be more than 1,000 megawatts of wind power capacity, and that is a 75-fold increase. This power will not only help us reduce our reliance on fossil fuel generation and help clean up our air; it will mean approximately \$1.5 billion in new investment in Ontario.

More renewable energy means more jobs, more innovation and more economic growth in the province. It also means new and exciting opportunities, such as the potential for new wind turbine manufacturing plants right here in Ontario.

But it's not only large-scale projects that are of interest to our government. We want everyone interested in renewable energy to help us achieve our potential. That's why our government has announced that in June it will be issuing an additional call for proposals for up to 200 megawatts of power from small and medium-sized renewable energy projects under 20 megawatts. This RFP will be coordinated with a strategy initiated by my colleague the Minister of Natural Resources to make crown sites available for water power development, as many of these sites have the potential to provide up to 20 megawatts of power.

Our government is also currently exploring a strategy to encourage very small community- and agriculture-based renewable energy projects. My ministry is consulting widely on the options available, and we expect to make an announcement later this year.

When it comes to clean, renewable energy, every megawatt of clean power counts. Ontario has enormous potential for clean and efficient electricity generation. That's why our government is working on innovations such as Ontario's first wind atlas, which will identify areas of the province with the best wind power potential. That's why we're allowing development of wind and water power sites on crown land. And that's why we have introduced a regulation to allow net metering, which will make it more attractive for small generators such as

farmers to produce green power by allowing them to receive credit for the excess electricity they produce.

There is much more to come. Through these initiatives, we're making it more attractive to explore renewable energy options in our province. We're removing barriers, freeing up resources and implementing new ideas to help us meet our supply needs in an environmentally responsible way. We're cleaning up our air and creating a healthier Ontario. We're acting decisively to protect the best interests of the people of this province today and for future generations to come.

The Speaker (Hon. Alvin Curling): Could I have a little less chatter in the House as ministers make their statements? Responses? The member from Durham.

Mr. John O'Toole (Durham): Yet another announcement by the Minister of Energy. He should really follow the media reports today. There's more clarity and more sincerity in the reports I'm reading.

"Six Reactors in Ontario Out of Service Again"—from the *Toronto Star* this morning. The fact that the minister had to reduce the voltage on the lines by 5% should cause concern for small business and households. It will delay and potentially burn out motors. Also, on the very next page of the clippings this morning, there's a *National Post* article entitled "Paying for the Peak."

He should be honest with the public today. What's missing here is any honesty and integrity in terms of, at what price?

Clearly, our leader, John Tory, is committed to safe, reliable, affordable power, with a stress on conservation.

Their Minister of Finance, in his first budget, eliminated the sales tax rebate on the Energy Star program. This was to incent consumers to conserve. This is our core message. This announcement is yet more hot air, shall we say?

When in government, our minister, Elizabeth Witmer, who's here today, made the commitment to close the Lakeview plant, which will take place this May, next month. I might say that Jack Gibbons and the Clean Air Alliance are presenting Elizabeth Witmer with an award for cleaning up our environment.

The work being done by this government is a continuation of the work that was done by the alternative fuels committee, an all-party committee that unanimously endorsed a report that committed, in very strong terms, to raising the renewable portfolio standards. For those members of government who don't understand this—because the minister doesn't seem to—renewable energy is on the books for all caucuses, whether it's the NDP or the current government. But certainly we led the way with an all-party report that committed to renewable energy.

The real problem here is, when and where and at what price? In the articles I've referred to today, in the last 18 to 24 months, the only real information we've had is more announcements with no commitment regarding, at what price?

The conflicting outcomes here are these. The irresponsible election promise by the now Liberal government,

the Dalton McGuinty government, was to close the coal plants by 2007. In fact, the government itself is now backtracking on its ability to close the coal plants. If you want to know more about it, I know two communities that are highly concerned. Atikokan and Thunder Bay and 230-plus employees are very concerned about the closing of those two coal plants, which represent about 500 megawatts of energy. There's nothing in this announcement today that assures me that we're going to have safe, reliable, affordable power by 2007. In fact, the government should come clean and say the renewable power that they're committing to today—I am asking the minister, on the record here today, to tell the people of Ontario, at what price?

According to the article today that I've cited, "Paying for the Peak," I just want to put the consumers of Ontario on notice—I'm on your side on this—that you're going to be paying double, 100% more, for electricity this summer. It's going to be 9.3 cents a kilowatt hour. When we were in government, we froze it at 4.3 cents. The Liberals, in opposition, agreed with that. They supported that. Their very first post-election action was to break that promise and whack the consumers of Ontario with an increase in electricity—an unannounced, non-consulted, high-handed, arrogant policy development on the fly.

It appears to me that this RFP does nothing to resolve any of my concerns about adequate replacement power for shutting down 7,400 megawatts of coal-powered plants. They haven't produced one new kilowatt of energy since they took over government. More announcements; no content, no details. Who he's leaving in the dark here are the consumers of Ontario.

I remain strongly concerned, and I can assure the consumers of Ontario that the opposition party, under the leadership of John Tory and Elizabeth Witmer, will remain vigilant and committed to the environment. Conservation is the first initiative. I hear nothing from this minister, although these were also election promises.

1400

Mr. Howard Hampton (Kenora-Rainy River): I'm pleased to respond on behalf of New Democrats and to say that we have yet another announcement by the McGuinty government of potentially some electricity down the road, at the very time when Hydro One has to reduce voltage in the lines because there is not enough electricity from day to day to supply demand as we have it now.

It is very interesting: We get announcement after announcement, but no plan in terms of electricity pricing, which is a very important issue for industry; no plan in terms of how to close coal-fired stations; no plan about how to ensure that we have adequate supplies of electricity.

I don't think there is anyone in Ontario who would disagree with wind power. That's like motherhood and apple pie. People would say this is fine. But what people want to see is a plan, and there are several questions that people need to start asking about this government's lack of a plan.

For example, on the price issue, we found from the last request for proposal that this government proposes wind power at 8.5 cents a kilowatt hour. Why is Manitoba able to deliver wind power at 5.3 cents a kilowatt hour? I wonder, does it have anything to do with that long line of Liberal insiders, like the president of the Ontario wing of the Liberal Party, who are collecting the gravy on these contracts, who will be collecting, as we say, a lot of money? Is that why wind power in Ontario will cost 8.5 cents a kilowatt hour, while in Manitoba they can deliver it for 5.3 cents a kilowatt hour?

The other thing people need to start asking is, how real are some of these announcements? A few months ago, the Minister of Energy announced to Ontarians that the government was going to proceed with the development of a number of water sites. One of the water sites that were identified was stage 2 of the Ear Falls generating station. That was the announcement. Just this past week, OPG was forced to announce that the project is not going to go ahead; it is delayed. Why is it delayed? Because before making the announcement, this government did not sit down and reach a settlement with Lac Seul First Nation on the outstanding grievances with respect to the damming of Lac Seul and the river, and the flooding which happened. So here is one site that was announced by this government that is not going to happen: 13 megawatts of power. I wonder how many of those other sites that have been announced by this government, particularly water power sites, are never going to materialize because the McGuinty government didn't bother to sit down and negotiate real issues with First Nations whose territory these potential water sites are on.

There are some other questions that I think need to be asked. Last week, we heard the government announce two new natural gas sites. Yes, there were some other things; there was some money for Loblaw's. I'm sure Loblaw's, a very profitable corporation, will appreciate getting money from the hydro consumers of Ontario. But it boiled down to two natural gas plants, and I searched and searched through the announcement to find information on price. The government was too embarrassed to announce price. I know why: because those bids came in at over 10 cents a kilowatt hour and the government doesn't want to announce to the people of Ontario that very soon their hydro bills will see yet more increases, more substantial increases.

I also noticed in that announcement last week that while the government had asked for 2,500 megawatts in that request for proposal, even with the window dressing they were only able to muster a little over 1,500 megawatts. What does that say? Once again, this is a government that is desperate to make announcements because they don't have a plan.

We need to see the plan, Minister. What's your plan for those industries in Ontario that are very sensitive to increases in the price of electricity? Are you simply saying to the pulp and paper industry, the mining industry, the smelting industry and the steel industry that the

McGuinty government doesn't want them? They need to know your plan for price.

Secondly, we need to know the plan for coal. This won't enable you to close down Nanticoke coal, and the announcements you made a week ago will not enable you to shut down Nanticoke coal—by your own admission, the largest polluter in Ontario. What's the plan, Minister?

VISITOR

The Speaker (Hon. Alvin Curling): I understand we'll be on our best parliamentary behaviour today, because I want to draw to the members' attention that present in the gallery is our former Lieutenant Governor, the Honourable Lincoln Alexander.

Applause.

The Speaker: I was about to point out that anyone who is in the gallery as a visitor should not partake in the applause, but understanding that the former Lieutenant Governor did so, I withdraw all my comments in that regard at this moment.

DEFERRED VOTES

ONTARIO HERITAGE AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LE PATRIMOINE DE L'ONTARIO

Deferred vote on the motion for third reading of Bill 60, An Act to amend the Ontario Heritage Act / Projet de loi 60, Loi modifiant la Loi sur le patrimoine de l'Ontario.

The Speaker (Hon. Alvin Curling): Call in the members. This will be a five-minute bell.

The division bells rang from 1406 to 1411.

The Speaker: All those in favour, please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gravelle, Michael	Oraziotti, David
Arthurs, Wayne	Hampton, Howard	Parsons, Ernie
Barrett, Toby	Horwath, Andrea	Peters, Steve
Bentley, Christopher	Hoy, Pat	Phillips, Gerry
Berardinetti, Lorenzo	Jackson, Cameron	Prue, Michael
Bountrogianni, Marie	Jeffrey, Linda	Pupatello, Sandra
Broten, Laurel C.	Kormos, Peter	Qaadri, Shafiq
Brownell, Jim	Kular, Kuldip	Racco, Mario G.
Bryant, Michael	Kwinter, Monte	Ramal, Khalil
Cansfield, Donna H.	Lalonde, Jean-Marc	Ramsay, David
Caplan, David	Leal, Jeff	Rinaldi, Lou
Chambers, Mary Anne V.	Levac, Dave	Runciman, Robert W.
Chudleigh, Ted	Marchese, Rosario	Sandals, Liz
Churley, Marilyn	Marsales, Judy	Smith, Monique
Colle, Mike	Martel, Shelley	Smitherman, George
Craiton, Kim	Martiniuk, Gerry	Sorbara, Gregory S.
Crozier, Bruce	Matthews, Deborah	Takhar, Harinder S.
Delaney, Bob	Mauro, Bill	Van Bommel, Maria
Dhillon, Vic	McMeekin, Ted	Watson, Jim
Dombrowsky, Leona	McNeely, Phil	Wilkinson, John
Duguid, Brad	Meilleur, Madeleine	Wilson, Jim
Duncan, Dwight	Miller, Norm	Witmer, Elizabeth
Dunlop, Garfield	Millroy, John	Wong, Tony C.
Flynn, Kevin Daniel	Mossop, Jennifer F.	Wynne, Kathleen O.
Fonseca, Peter	Munro, Julia	Zimmer, David
Gerretsen, John	O'Toole, John	

The Speaker: All those opposed, please rise one at a time and be recognized by the Clerk.

Nays

Flaherty, Jim
Hardeman, Ernie

Hudak, Tim
Ouellette, Jerry J.

Sterling, Norman W.
Yakabuski, John

The Clerk of the Assembly (Mr. Claude L. DesRosiers): The ayes are 77; the nays are 6.

The Speaker: I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

ORAL QUESTIONS

MUNICIPAL FINANCES

Mr. Tim Hudak (Erie-Lincoln): I have a question for the Minister of Municipal Affairs. When you replaced the community reinvestment fund with the new municipal partnership fund, you claimed you were going to bring in a more fair program. But all across Ontario, municipalities are discovering that when they lift the thin veil of short-term transition funding, the reduction in funding to municipalities is some \$47 million annually.

Minister, you know it's going to result in program cuts in municipalities, increased taxes or both. How can you stand in your place and say this is a fair program when the reduction is some \$47 million?

Hon. John Gerretsen (Minister of Municipal Affairs and Housing, minister responsible for seniors): I'll refer that question to the Minister of Finance, since it's a finance matter.

Hon. Greg Sorbara (Minister of Finance): I simply tell my friend from Erie-Lincoln that we are very proud indeed of the new Ontario municipal partnership fund. We've replaced an old, archaic model that the previous government developed, which was expensive, inequitable and unreliable in terms of municipal funding. The new system of funding creates a grant that has elements of equity in it. It specifically deals with the increased problems of northern and rural communities, and specifically reflects, by way of a grant, additional costs for policing in smaller and more remote communities. We are very proud indeed of this new fund.

Mr. Hudak: That may be what the minister says and what some of his backbenchers say here in the House, but it's not what municipalities are saying across the province. Let me give you some examples:

Ron Leavens, the mayor of Pelham, says, "I think we need to launch some kind of lobby with the Ministry [of Municipal Affairs and Housing] that the changes they've made with the formula are still inequitable—even more so than in the past."

"Niagara is losing as a result of the program."

The mayor of St. Catharines says, "Over a period of three years we'll be whittled down to nothing," in

transfers from the province. In fact, across the region of Niagara recent headlines have shown some \$5 million annually cut from funding programs to municipalities. That's not what you promised, and the result: cuts to programs and increases in taxes.

Minister, just confess: You're downloading \$47 million of services on Niagara's municipalities and on municipalities across the province. Will you correct the funding formula and address the concerns of regions and municipalities like those in Niagara?

Hon. Mr. Sorbara: I need to quote my parliamentary assistant, the member from Eglinton-Lawrence, who accurately describes that member and that party as the kings of downloading. During the period from 1995 to 2003, the added burden on municipalities as a result of initiatives taken by that government was simply unconscionable. That's why we had to fix the old community reinvestment fund, and that's why we've created this new partnership fund.

In addition to that, I might point out, in the area of municipal funding, the agreement by our government to take on added costs in public health, the agreement to transfer two cents per litre of gas tax so that we can build stronger public transit systems. The community of Port Colborne in the member's own riding will receive an additional \$1 million—

The Speaker (Hon. Alvin Curling): You may tell him in the supplementary. Final supplementary.

1420

Mr. Hudak: I say to the minister that when it comes to cuts to municipalities, there is a new king. His name is Dalton McGuinty, the same man who is the king of broken promises, because this sure ain't what he promised during the election campaign.

Minister, it's not just localized to Niagara. In Lambton county some \$3.8 million has been stripped from local municipal budgets. Lambton county, Strathroy, Petrolia—Mike Bradley, the mayor of Sarnia, had this to say about the new funding formula: "The formula is way too complicated, but the bottom line is that the province is saying we get nothing by 2006. Lambton county isn't being treated equitably either. We're struggling to understand this." St. Clair, Lambton Shores, Petrolia, Strathroy, Dawn-Euphemia, Plympton-Wyoming, Warwick, Enniskillen all have cuts under the Dalton McGuinty Liberal funding formula.

Minister, how is this fair to Lambton county and the municipalities I've mentioned?

Hon. Mr. Sorbara: Again, I would simply point out to the people of Ontario that what they want to know and what I can reassure them of is that we have finally put in place a funding formula that treats local municipalities fairly and equitably. Under the old system, for some municipalities the grant was much in excess of their needs, and other municipalities were absolutely struggling, so we've created a grant that is more equitable.

I'm very surprised at my friend from Erie-Lincoln, knowing, as he should, that his own region of Niagara

will be receiving a 10% increase in funding this year over what they received last year.

The Speaker: New question, the member for Whitby–Ajax.

Mr. Jim Flaherty (Whitby–Ajax): My question is for the Minister of Finance. The minister says he is proud of this program, but it is the people of Ontario, including southwestern Ontario, who are going to pay the price of your pride. In fact, many ridings in southwestern Ontario are being severely punished under your new funding formula. Let's look at the facts. For example, the member from Perth–Middlesex is left trying to explain lamely to his constituents why their municipal budgets are being slashed by your government. The town of Southgate is down \$600,000. The city of Stratford is down \$2.8 million. The county of Perth is down \$2.7 million.

Minister, is this the program you're so proud of, so proud that these municipal taxpayers will see their municipal taxes increase because of your abrogation of your responsibility, your imposition of an additional tax burden on Southgate, Stratford and Perth county?

Hon. Mr. Sorbara: I'm looking for a way to deal with this delicately, with my friend from Oak Ridges, because the alleged information he put to this House in his question simply does not represent the facts at all. Firstly, what the people of Ontario need to know in respect of the grant for this year is that not one municipality will receive one cent less than they did in the previous year. Secondly, he should know that, for example, Lambton county is getting \$88,000 more through the public health system increase. Even in his own community, a wonderful community like Whitchurch-Stouffville will receive more than a \$500,000 increase, because their old, archaic system, which has the former minister's fingerprints on it, was inequitable, unfair and simply did not work for the vast majority of municipalities.

Mr. Flaherty: Just to help the minister, I know he doesn't know the numbers in the finances of Ontario, and he also needs a lesson in geography. Although Whitby starts with a W, like Whitchurch-Stouffville, it's a little bit different. The people in Whitby know they're not living in Whitchurch-Stouffville, unlike the Minister of Finance.

It's just as bad east of Toronto as it is in southwestern Ontario. You've got Mr. Leal, the member for Peterborough. Do you know what the director of finance for the county of Peterborough says? He says, "The recently announced fund did not help fund these costs (highways, bridges, ambulance services, child care, social services) at the county level." That's what the poor member for Peterborough—

Interjections.

The Speaker: I'll give you your time back. Order, member from Peterborough. Order.

Mr. Flaherty: I know it's not easy being the Liberal member from Peterborough when this is happening. Do you simply ignore the member from Peterborough when you make a move like this, Minister, which reduces by

over \$700,000 the budgets of Peterborough and surrounding communities? That's east of Toronto, now, Minister. We've dealt with the southwest; they're getting less. Now, east of Toronto, they're getting less.

You say that you've fixed the fund. You've fixed the people of Peterborough.

Hon. Mr. Sorbara: I'm incredulous at my friend from Whitby–Ajax. He really knows how to put his foot into it. He mentions funding for highways, bridges, ambulances—all the stuff they downloaded on municipalities and made municipal government intolerably expensive. We're starting to turn that around.

I want to speak specifically about Peterborough. I want to talk for the moment about the new hospital that my friend the Minister of Health has announced for Peterborough. Because it is an underserved area, I want to mention the new family health team that my friend the Minister of Health has announced for Peterborough. In discussing Peterborough, I want to reiterate how quickly this government moved to action when that wonderful community was hit with that terrible flood, lo these many months ago. We are very proud of our commitment to Peterborough.

Mr. Flaherty: Bad news in Perth–Middlesex, bad news in Peterborough. Do you know where it's the worst, though?

Hon. Jim Watson (Minister of Consumer and Business Services): Whitby.

Mr. Flaherty: No, this is in Chatham, in southwestern Ontario. The member for Ottawa will know that this is in southwestern Ontario, even if the Minister of Finance does not.

Some \$12.8 million has been slashed under this so-called fairer program. According to the Chatham Daily News—that's a newspaper in Chatham—municipal taxes could rise 10.5% as a result of this program. I'll quote from an editorial in the newspaper: "If the ... funding changes go through as proposed, local MPPs Pat Hoy and Maria Van Bommel should be treading on thin ice. Their government will have badly let the residents of this municipality down."

Minister, is a \$12.8-million cut to municipal services your idea of a fairer program for the burdened people of Chatham?

Hon. Mr. Sorbara: I could take up the rest of question period describing the increases that will come to communities right throughout southwestern Ontario. But I want to quote my colleague from Perth–Middlesex, who has actually gone through the numbers and says that Perth county is a net beneficiary in the new funding.

Do you know what? It's not about choosing favourites. What it's about is bringing forward a reform package that treats communities equitably so that the funding responds to their needs. In our view of the world, it was important to pay specific attention to help municipalities, smaller municipalities, with their social service costs, to help those municipalities with their policing costs and to help municipalities, particularly northern and rural municipalities, really be able to discharge the

burden of municipal finance, and to clean up some of the terrible mess left by an administration that we threw out of office, partly because they did not understand the realities in communities across Ontario.

1430

LONG-TERM CARE

Mr. Howard Hampton (Kenora-Rainy River): My question is for the Acting Premier. Over the last eight weeks, a coroner's inquest has investigated the tragic events at Casa Verde nursing home in North York, where a 74-year-old resident suffering from dementia murdered two other residents. The inquest heard evidence of 11 such homicides at Ontario long-term-care facilities since 1999 and more than 3,000 reported incidents of aggression.

Yesterday, the jury released its findings: "Nursing homes are in dire need of more funding, stiffer regulations and better-trained workers." It also urges the McGuinty government "to revise the funding system presently in place ... within the next fiscal year," and made 85 other recommendations.

Acting Premier, lives are at risk. Will those seniors in Ontario who deserve good care see a revision of the funding formula in this budget for this next fiscal year?

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm pleased to acknowledge that the incident the coroner's court recently investigated is an incident from 2001. Obviously, none of us is satisfied with any circumstance arising from care in an Ontario long-term-care home that doesn't meet what we consider to be a high Ontario standard. In the days since we came to office, we've moved very aggressively on issues related to the improvement of care in those facilities.

I haven't yet had the opportunity to be a recipient of the findings from the coroner's inquest. I do very much look forward to them. I give the assurance to the honourable member and to all honourable members that in our ongoing effort to improve the quality of care in our long-term-care homes, we're going to look closely at those recommendations and seek to be action-oriented on their implementation, as we have on a variety of other initiatives already.

Mr. Hampton: I thought I asked a straightforward question: Is the funding formula going to be revised as you promised before the election and as the jury now says is urgent?

But I want to ask about another recommendation. Before the election, Dalton McGuinty promised to restore a provincial standard of care for nursing home residents. He said, "Ontario Liberals are committed to reinstating the standards of care for nursing homes that were removed by the Harris-Eves government—including minimum 2.25 hours of nursing care daily and three baths per week." You're now into the second year of your mandate and Dalton McGuinty's promise on that front is a broken promise.

The evidence at the Casa Verde inquest showed that residents in long-term-care facilities in Ontario received just a few minutes of direct registered nursing care per day. These levels are among the lowest in the country. The jury said you must fund and set standards requiring long-term-care facilities to increase staffing levels so that you can provide 3.06 hours of overall nursing and personal care per resident per day. That was your promise. Are you going to fulfill that now?

Hon. Mr. Smitherman: As I had a chance to say to the honourable member in my earlier response, these recommendations that he's reading from have not been formally sent to the ministry and, therefore, obviously I haven't had a chance to consider them.

I can tell the honourable member that already our agenda with respect to long-term-care homes has been an agenda of action: tougher compliance; unannounced inspections; a 1-800 number action line with any call that comes in investigated very thoroughly and very promptly; a \$191-million investment to improve the quality of care in our long-term-care homes; for the first time in 20 years, increases to the comfort allowance for those residents who are there and a freeze on the increases in the proportion of costs they pay; a public Web site that for the first time makes the compliance data available for all Ontarians to view; and new legislation that is forthcoming in 2005.

This is evidence of the progress we've made, the commitment that we have to long-term care and, of course, we'll be looking very closely at the recommendations the honourable member is referring to.

Mr. Hampton: I'm surprised the minister would try to come here today and say he doesn't know anything about this. I read the highlights of the report in today's paper. The last time I checked, you had a staff of over 20 in your office. I'm sure some of them read the paper and briefed you.

I want to ask you again about what you promised before the election. Before the election, you promised \$420 million of new funding for long-term care on an annual basis. Eight months later, in May 2004, you announced less than half of what you promised, only \$191 million. Then we checked with the long-term-care facilities to see what they got, and they got only \$116 million, about a quarter of what you promised in the election. The recommendation is clear that you must, on an urgent basis, revise the funding formula. Are you going to do what the jury recommends and what you promised before the election, Acting Premier?

Hon. Mr. Smitherman: As I've had the opportunity now twice to highlight to the honourable member, we've made very, very significant progress on this file. We're the first to acknowledge that we have more work to do, but, unlike the honourable member, I don't consider my work to be sufficiently well done if I'm simply reacting to a newspaper story. That's not where I get briefed. It is not where I seek detail. It may be sufficient for the honourable member to read a newspaper story and draw all necessary conclusions, but I think that's inappropriate.

A group of Ontarians sat together, I believe for eight weeks, and carefully considered information. It seems prudent to me that I actually receive a report and have the opportunity to consider it, before I leap to the conclusions that the honourable member has.

The Speaker (Hon. Alvin Curling): New question.

Mr. Hampton: Acting Premier, you and your Premier had no trouble leaping to announcements of \$420 million a year in increased funding for long-term care before the election. You had no trouble announcing that you were going to put in place a regulation requiring 2.25 hours of nursing care per resident per day. Now you've got a coroner's jury that is very, very clear. It was very easy for you to make those promises before the election. Now this jury is saying, "The promises you made are urgent." They are saying to you, "You need to do this now. You need to revise the funding formula. Put the money in now."

So I say to you, Minister, you made the promise before the election, you made several promises on this front. The coroner's jury after the deaths of these people has simply confirmed that this is what must be done. Is the McGuinty government prepared to do it or not?

Hon. Mr. Smitherman: The evidence of our preparedness is clear, and that's why we've already made so much progress.

Here is what Greg Fougere, the chair of the Ontario Association of Non-Profit Homes and Services for Seniors said in January 2005: "There has been a lot done in the past year with the revolution in long-term care, and we can see that this government is moving on many fronts to improve care and services for seniors." That has included moving forward with reinstating significant regulations that will provide an enhanced level of care for some of our most vulnerable Ontarians who are receiving care in our long-term-care homes.

I'm of the opinion that we have the right formula in place, that we're going to continue to build upon the progress that we have made. Only from the manufactured negativity of the third party could come anything short of recognition that significant improvement has been made. Of course, we're going to look very carefully at these recommendations coming forward from that jury.

Mr. Hampton: Minister, I just want to remind you of some of what you said.

On December 8, 2003, George Smitherman promised a revolution in long-term care. He said, "This is not Ontario's standard." Smitherman wiped tears away from his face, and said, "This is a sub-par performance ... I want to bring a sense of missionary zeal to the work we do in this office...."

You haven't changed the funding formula that you promised. You haven't provided the levels of nursing care that you promised. Here are a couple of the other things that they recommend: a minimum staff-to-resident ratio, using permanent staff rather than contracting out; mandatory reporting by long-term-care facilities on how nursing and personal care envelope money is spent;

major changes to the way in which residents with dementia are cared for.

Minister, you promised all of these things yourself a year and a half ago. Where are the changes that you promised before the election, during the election and when you shed your tears after the election?

Hon. Mr. Smitherman: I think the evidence is quite clear, and it is to be found all across the long-term-care-home sector. The evidence of the revolution is well underway. We've done significant progress on this.

Don't take it from me. Here is what Lewis Massad, the executive director of the Ontario Finnish Resthome Association said on January 10 in Sault Ste. Marie: "I appreciate that the government has invested significant resources in terms of the development of new care standards for long-term care and has increased the funding component to support the new enhanced standards. The ministry is also currently reviewing and preparing proposed legislation to govern long-term-care homes. Such measures are long welcomed."

The fact of the matter is that I have not concluded we are done yet. We have more work to do. I've acknowledged that in every one of our answers. The people of Ontario, based on the record we have around action on long-term care, know that, unlike the opposition party, we will deliver.

1440

Mr. Hampton: It's interesting that the Acting Premier mentions new long-term-care legislation. You promised that too, last fall. Here we are in April of the next year; still no legislation.

This is also what the Casa Verde inquest said. They said almost half of institutionalized seniors show some form of aggression. One out of every three people will develop some form of dementia. Complaints about residents assaulting other residents and staff have grown exponentially over the past five years.

You promised all these things; you haven't delivered. Let me tell what is really a serious problem here. You made promises to autistic children, to vulnerable children. You made a promise to end the clawback of money from the lowest-income children in this province. You made other promises with respect to children. All of the vulnerable seem to be forgotten. Here we have vulnerable seniors you made promises to before the election, during the election, after the election. The coroner's jury is calling you on your promises. When are we going to see the new funding formula? When are we going to see minimum hours of standard of care for these—

The Speaker: Thank you. Minister?

Hon. Mr. Smitherman: The long-term care home sector well knows that we have already installed regulations, standards for 24/7 RN coverage and for two baths a week as a minimum. This is a significant improvement to the commitments we made. Our colleague from Nipissing, Monique Smith, has done a tremendous body of work on this and continues to work alongside a variety of people, seeking and consulting around the appropriateness of the long-term-care legis-

lation. The honourable member, at the same time, says, "Be beholden to the information that comes through, that comes across, as it will, in a formal report from that jury"—

Ms. Shelley Martel (Nickel Belt): Just keep your promise. That's what he's saying.

Hon. Mr. Smitherman: Please, if the honourable member would give his critic a question.

I think what we have is a historic opportunity to take advantage of the best information that comes forward, including from this—

Interjection.

The Speaker: Order, member from Nickel Belt.

You have 10 seconds to wrap up.

Hon. Mr. Smitherman: We're in a historic opportunity. We're working hard on drafting long-term-care legislation for the future of this sector in Ontario, and we have an opportunity to take into consideration the important work of the citizens of Ontario in that jury's work.

ELECTRICITY SUPPLY

Mr. John O'Toole (Durham): My question is to the Minister of Energy. There is growing fear in the energy sector across Ontario. There are three articles in the papers today. In one, which I mentioned earlier, there are "Six Reactors in Ontario Out of Service Again," near brownouts, reduction of voltage. I have another article here from the Post about paying the peak price for power that says that with smart meters households will be paying 9.3 cents per kilowatt hour.

Minister, clearly you've rushed in an ill-advised plan for the shutting down of coal plants. More specifically, I want to drive this to how it affects people in their lives. The Thunder Bay plant, as you well know, produces 310 megawatts of power, the Atikokan plant produces about 215 megawatts of power, and together they employ some 230 people. Would you tell the people of Ontario how you're going to replace the 525 megawatts, but more importantly, what about those jobs in Thunder Bay and Atikokan? What do you say to those people who are going to lose their jobs with an ill-conceived, ill-developed and poorly delivered plan on energy replacement for the coal-fired plants?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): I'll remind you that the previous government had done nothing to create any new generation in Ontario in their entire eight years in power—not a thing. We were left with an absolute mess.

We have announced the Niagara tunnel project, a \$700-million investment that will create thousands of jobs; we did the first RFP on renewables for 395 megawatts, a \$700-million, 700-job opportunity; the 2,500 megawatt proposal, which we announced the first 1,600 megawatts of last year, again \$1 billion of investment. In addition, we have announced today another 1,000 megawatts of renewable power, an anticipated investment of \$1.5 billion that will create

somewhere around 1,000 jobs. When it comes to closing coal, there will have to be replacement and there already is replacement: \$170 million invested by Hydro One that created close to 300 permanent jobs. The job creation associated with these energy projects will create more new jobs in Thunder Bay—

The Speaker (Hon. Alvin Curling): Supplementary.

Mr. O'Toole: A very long answer but no content once again. I remain concerned and remain extremely vigilant. I can only say to you that this is a plan that is at risk, and it's an issue of competency in your ministry. It is irresponsible with respect to the five coal plants, which we spoke of. You had your election promise, which was premature; you have backed away from it now, and it's another broken promise. What we need is a reliable source of affordable replacement power before you commit to the closure of these plants.

I'm going back to the story of the people's lives in Atikokan and Thunder Bay. Clearly you offer them no exit or transition strategy for what's in their lives for the future. It is not just about the consumers paying 100% more for the electricity in their home, and the seniors who will be at risk because of your ill-conceived policy; it is about the lives of 230 employees who will be out of work because your ill-conceived plan for Thunder Bay and Atikokan. Minister, tell the people in that community: what's the plan? What's the plan for their lives? Give them some hope for the future.

Hon. Mr. Duncan: I'm glad the member is concerned. I wish he had been as concerned when Paul Rhodes was given a \$335,000 contract for strategic communications. I wish that he had been concerned when he was given a contract for \$225,000. I wish that he had been so concerned when they refused to apply freedom of information to Hydro One and OPG. I wish you had been so concerned when, without contract, Tom Long got a \$685,000 contract for Hydro One. I wish that he had been concerned when Leslie Noble got a \$250,000 contract, again untendered. That government had no plan; that member had no response. This government is creating power in an efficient, respectable and sustainable way that will undo the damage that that member and his party and John Tory did to this province's electricity sector.

MINISTRY OF TRANSPORTATION EMPLOYEE

Mr. Michael Prue (Beaches–East York): My question is to the Minister of Transportation. Your government promised to set a higher standard when it comes to ethics and conduct. Is it acceptable for you or anyone on your staff to have violated the election laws passed by this Legislature?

Hon. Harinder S. Takhar (Minister of Transportation): Absolutely, we all operate within the election laws, and we respect all the laws of this province and this country.

Mr. Prue: Perhaps then you can explain to this House why you recently brought Navjeet Mangat on to your staff as a senior adviser. You can explain why Mr. Mangat, as a long-time Liberal Party operative, also worked for a lobbyist Jeff Lyons until the year 2003. You can explain that during 2000, in the city of Toronto, Mr. Mangat along with other employees of Mr. Lyons made large and illegal donations to a number of successful municipal candidates. You can explain, and we know, thanks to the MFP inquiry, that Mr. Lyons and his employees were funnelling money to those campaigns on behalf of businessman Ball Hsu, and they continued to do everything in their power to deny it until they were finally revealed. When a whistle-blower came forward, Mr. Mangat refused to verify her story to the press, and he stayed in Lyons's employ while Lyons told the media the whistle-blower was lying.

You promised a higher ethical standard. Is it appropriate that you have Mr. Mangat on your staff?

Hon. Harinder S. Takhar (Minister of Transportation): I am not aware of any allegations against any of my staff members. I am not sure where this member is coming from or what he's talking about.

1450

ALLEGED SEXUAL ABUSE OF MINORS

Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh): My question is to the Attorney General. First let me congratulate and thank you and the Premier for the realization of a full public inquiry into the sex abuse scandal that has shaken the community of Cornwall and area. I was proud to be with you yesterday at city hall in Cornwall to see the looks of relief on the faces of the victims as it became clear that the McGuinty team was fulfilling its promise to hold an inquiry. From the formation of this government, you have worked tirelessly with me and with those involved in the community and area to see that this long-standing concern was addressed.

Attorney General, you have appointed the Honourable Justice G. Normand Glaude to lead this inquiry. Could you explain to us what led you to choose him as a commissioner? And now that he has been appointed, what happens next?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for his question. It was an honour to be with you in Cornwall yesterday. It was an honour to be with you in Cornwall some months ago when we sat down with your community, sat down with the victims and heard what they were looking for; namely, someone who was a senior member of the bench, someone who had experience in criminal law, someone who was fluently bilingual, someone who was not from the Cornwall area and did not have any connection to any of these matters but was willing to conduct the entirety of the inquiry in Cornwall.

Mr. Justice Normand Glaude fulfills all those criteria and then some. He's a very highly respected and experienced regional senior justice for the northeast region for the Ontario Court of Justice who has served on the bench for some 15 years and has a significant background in criminal law.

It is now in the commissioner's hands. All decisions about the commission and how it proceeds are in his hands, as they should be.

Mr. Brownell: Thank you very much for explaining this. I know many here in the House will join me in expressing our appreciation for your commitment to your promises and to the people of Cornwall.

I would also like to personally thank my predecessor, the MPP for Stormont-Dundas-Charlottenburgh, the honourable John Cleary, and also MPP Gary Guzzo for their diligent efforts on this file.

Everyone is anxious to see this issue be properly addressed so that the healing process may begin in my community. Attorney General, can you assure us that Justice Glaude has the tools he needs to finally get to the heart of the matter and to resolve this issue for the victims and their families?

Hon. Mr. Bryant: Yes, with the public inquiry, under the Public Inquiries Act, he has all the tools at his disposal to leave no stone unturned and to provide recommendations that ultimately, we hope, will lead to some reconciliation and healing for the people of Cornwall. Along the way, we will work with the commission, as the commissioner sees fit, to ensure that victims get the services they need during what will inevitably be a very painful time for them. Ultimately, with this public inquiry, we will finally get to the bottom of what happened and will get recommendations so we can proceed better in the future, in a way that not only can everybody have confidence in the system, but the victims can feel that justice has been done.

MUNICIPAL FINANCES

Mr. Jim Wilson (Simcoe-Grey): My question is for the Minister of Finance. It involves his new municipal partnership fund. That's the fund that replaces the community reinvestment fund. It's supposed to help compensate municipalities for services like roads and land ambulances and policing and social services.

Mr. Minister, the treasurers of the municipalities in Grey county met this morning, and they report the following about your new municipal funding: Owen Sound loses \$2 million and property taxes will eventually go up 12.5% because of your new funding; the Town of the Blue Mountains will see a decrease of \$1.3 million and property taxes will go up 17% because of your new formula; and the municipality of Grey Highlands loses \$1 million and property taxes will go up a whopping 25%. That's from the treasurers themselves.

You should be embarrassed. You complained all the time about our funding formula, but never in the history of Ontario and never in the history of PC politics did we

ever raise property taxes by 25%. You should be ashamed of yourself. How can you look municipalities and municipal taxpayers in the eye and say that this is a fair funding formula?

Interjections.

The Speaker (Hon. Alvin Curling): Order.

Hon. Greg Sorbara (Minister of Finance): I was considering asking the member to repeat the question, but I'm not sure this 100-year-old structure could take it.

Let me just let my friend and the people of Ontario know what Roger Anderson, the president of the Association of Municipalities of Ontario, said. He said, "Today's reconciliation announcement"—that is, on the details of the new fund—"shows that the Premier is listening to municipalities. The province's decision to pay money owed to municipalities for 2003 and 2004 is good news for property"—

Interjections.

The Speaker: Could I ask the members to come to order so that I can hear the Minister of Finance.

Hon. Mr. Sorbara: Even in my friend's own riding, the municipality of Wasaga Beach will receive an increase in 2005 of some \$765,000. But it's not the individual municipalities that are the concern. The concern is that we have a system, finally, that is fairer, more equitable and affordable for this province. We are very proud of this system.

The Speaker: Supplementary, the member for Haldimand-Norfolk-Brant.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): Minister, just two weeks after announcing \$15 million for Ontario's hard-hit tobacco communities, you've pulled the rug. Funding to ag minister Steve Peters's Elgin county, a tobacco-growing municipality, will be slashed \$4.4 million. That's a 68% cut under your shell game. Brant county, which I share with Dave Levac, is being cut by \$2.9 million. That's a drop of 48%. Mr. Levac's city of Brantford itself is dropping by \$6.7 million, a 53% drop. Mayor Mike Hancock feels a sense of betrayal; Councillor Carpenter calls it the Ontario pilfering fund. In Norfolk county, another tobacco county, \$7.3 million. That's a 55% cut. Oxford county sees a 100% reduction. They grow tobacco in Oxford.

Minister, how is this fairer for the tobacco-growing communities of Brant, Elgin, Oxford, Norfolk? How is this fair for the city of Brantford?

Hon. Mr. Sorbara: The simple answer to that is that it is fairer because it is more equitable. He mentions Brantford in particular. Brantford will receive almost \$800,000 in additional public health and gas-tax funding.

My friend mentions the wonderful southwestern part of this province, where tobacco farmers have gone through such difficulties. He will know, and you will know, sir, that my friend the Minister of Agriculture has a program to help the transition out of tobacco farming which is unprecedented in the province and in the country.

But the main point I reiterate: When we were called upon to govern, we found a municipal financing system

that had burdened municipalities with responsibilities for highways, for bridges, for public health, for ambulance services, which was making it very difficult. Through this new funding formula, we have finally brought a very high degree of equity, fairness and predictability to municipal financing, and we're very proud of that.

1500

COLLÈGE DES GRANDS LACS

M. Rosario Marchese (Trinity-Spadina): Ma question est pour la ministre de la Formation et des Collèges et Universités.

L'ancien gouvernement conservateur a fermé le Collège des Grands Lacs en 2001 de façon illégale et anti-constitutionnelle, sans avoir consulté la communauté francophone du centre sud-ouest de l'Ontario. Malgré les promesses de M. McGuinty d'être plus à l'écoute des besoins des francophones de l'Ontario, votre gouvernement libéral appuie la décision du gouvernement Harris de fermer le seul collège francophone de la plus grande ville du Canada.

Ministre, pourquoi appuyez-vous cette fermeture ?

Hon. Mary Anne V. Chambers (Minister of Training, Colleges and Universities): I appreciate the question from the member for Trinity-Spadina. However, as I have previously indicated in a letter to Ms. Casselman, who participated in the press conference today, I really am not in a position to discuss this matter at this time because it is a matter that's before the courts. Collège des Grands Lacs is before the courts, and I gather that it's also an issue that's before the Ontario Human Rights Commission. Until that is resolved, it would be absolutely inappropriate for me to discuss it.

M. Marchese: Madame la Ministre, je vous dis ceci : les 500 000 personnes de cette région qui parlent le français ont droit à leur propre collège avec les programmes en français sur un campus francophone. Aujourd'hui, des étudiants, des travailleurs et des membres de la communauté francophone se sont joints au député provincial Gilles Bisson pour vous demander de rétablir un collège d'arts appliqués et de technologie à Toronto pour la communauté francophone du centre sud-ouest de l'Ontario sous une nouvelle administration.

Pourquoi refusez-vous de les rencontrer pour poursuivre les discussions afin de garder ouvert ce collège ?

Hon. Mrs. Chambers: I will repeat my previous response. It's absolutely inappropriate for me to meet and discuss matters that are before the courts. That is a process that must be respected.

I should also bring to the attention of this House that we have two very highly respected, well-supported francophone colleges in Ontario: Collège Boréal et La Cité collégial. I think it's really important to recognize that since the closing of Grands Lacs, Collège Boréal has been doing an excellent job in addressing the needs of francophones in southwestern Ontario.

ELECTRICITY SUPPLY

Mr. Bruce Crozier (Essex): My question is to the Minister of Energy. I see today that the McGuinty government is announcing another request for proposals for renewable energy projects in Ontario. I know the first request for proposals was very successful, resulting in 10 new projects representing 395 megawatts of clean, renewable power and an 80% increase in Canada's wind generation capacity. As you know, I come from a part of the province with good wind generation potential and would love to see more of these projects being built. Minister, what is the goal of this most recent RFP, and what sort of clean, green generating capacity is it going to create?

Hon. Dwight Duncan (Minister of Energy, Government House Leader): The McGuinty government is moving forward to protect the interests of Ontarians by enhancing the available supply of clean, renewable electricity. The types of power we're looking at are wind, solar, water, biomass and landfill gas. By seeking up to 1,000 megawatts of renewable energy, that's enough power to power 200,000 homes. We believe very strongly that finding this clean, affordable and sustainable resource is important to the vitality of our economy and to our future growth, but moreover, it's important to our environment and important to our collective public health and individual health outcomes.

We're sending a very clear signal that we want participants in the market interested in clean, renewable electricity to come to the table to help us meet our supply need. The range of proposals we expect to receive will allow us to choose the most viable, cost-effective projects for all of Ontario's electricity consumers.

Mr. Crozier: Minister, it seems to me that this request for proposals, combined with the earlier ones, is going to bring a significant amount of investment to Ontario. I expect that areas with good wind potential, like along much of the shores of the Great Lakes, are going to see an influx of investment, as will rural areas with potential biomass projects and the untapped resources of northern Ontario's rivers and streams.

I would assume that 1,000 megawatts translates into a sizable economic investment. Minister, how big an investment will it be, and how many jobs will it create?

Hon. Mr. Duncan: More renewable energy means more jobs, more investment, more innovation and economic growth in Ontario. By increasing Ontario's share of renewable energy, the McGuinty government is building a new industry in our province. When our government took office, there were 14.6 megawatts of wind power capacity in Ontario. We expect that by the end of our first mandate there will be more than 1,000 megawatts of wind power capacity, representing a 75-fold increase across the province.

We believe that this RFP will result in \$1.5 billion of new investment in our province in addition to the \$700 million that was invested in the first RFP. Today's announcement is the first of a phased plan designed to

accommodate energy projects of all sizes to help us meet our needs. We want everyone interested in renewable energy to help us achieve our goals. We're moving to projects under 20 in June and even smaller projects this coming fall. This represents new investment, new jobs, new revenue for the province. It's good news for everybody.

WINDSOR BORDER CROSSING

Mr. Jim Wilson (Simcoe-Grey): My question is to the Minister of Transportation. Shortly after you were sworn in as minister, you travelled to Windsor, Ontario, where you promised the city that when they came up with a plan to improve the Windsor-Detroit border crossing, you would be prepared to move.

That was about 18 months ago. Since that time, the city has hired Mr. Schwartz, a consulting engineer. He has come up with a comprehensive plan and a vision for the border crossing, and they are waiting for your action. All of us who are watching the situation are wondering why your two senior cabinet ministers down there aren't prodding you to do something. Why have you not acted on the Schwartz report, after you asked for solutions from the city of Windsor and now you have not acted to implement those? You seem to have \$400 million for the Windsor casino, but you're doing nothing to facilitate those US tourists coming across the border. When are you going to act on the Windsor border crossing and make improvements?

Hon. Harinder S. Takhar (Minister of Transportation): It is really interesting that this question is coming from the opposition, who did nothing for eight years. They didn't do anything at all. As soon as we came into power, the first thing we did was agree on the first phase of the Windsor crossing.

We do appreciate the work that has been done by the city with Sam Schwartz, and we are working very closely with the federal government and the municipality to come to a solution that will address the long-term issues of the border. This border is really important for the provincial economy.

Mr. Wilson: You say, "You did nothing." You must mean the federal Liberals did nothing also, because in 2003 Premier Eves, along with senior federal cabinet ministers, made the announcement, committed the money, booked the money in the budget and had a nine-point plan to improve the crossing. Since that time, you've rejected that—

Interjections.

The Speaker (Hon. Alvin Curling): Order. Stop the clock for a minute.

I would ask the government side to allow the member to ask his question. I notice members on his side too won't allow him to ask the question. But I'd ask them to come to order. I know he takes his question very seriously, so I'm going to let him put his supplementary now.

Mr. Wilson: Thank you, Mr. Speaker.

You didn't like our plan, so you asked for a new one. You've had that new plan for four months now, and you're doing nothing. In fact, your Premier was down in Washington yesterday and today, along with two of your ministers. He's down there lecturing the Americans about their passport proposal. I suggest to you that, rather than whining to the Americans, maybe if you actually did something on this side of the border in your own backyard to improve the situation, the Americans wouldn't be threatening passport controls. Why don't you do what you said you would do, make this the number one priority and get to work on improving that border crossing? Why won't you do that, Minister?

Hon. Mr. Takhar: We are very anxious to move ahead with this project. Our Premier is in Washington fighting hard to make sure that some of the issues that we need to address on the border get addressed. I also want to tell you that he is the only Premier who has taken a keen interest to make sure that some of the issues on the border get addressed. We will resolve this issue, not like them. For eight years they did nothing.

1510

LABOUR UNIONS

Mr. Peter Kormos (Niagara Centre): A question to the Minister of Labour: Today Steelworker members were here at Queen's Park visiting MPPs looking for fairness. They want card-based certification to be extended to all workers. They say that Bill 144 is unfair and discriminatory, and they're saying it doesn't warrant being supported in its present state. Why don't you extend card-based certification to all workers in this province?

Hon. Christopher Bentley (Minister of Labour): We're determined to make sure that all workers are treated fairly. That's why we're introducing fair and progressive changes in Bill 144.

But it doesn't just end with labour legislation. For the first time in nine years, this government raised the minimum wage and now we've done it two years in a row. That helps all workers, particularly those in the least-advantaged situations. For the first time in many years, we're actually enforcing the Employment Standards Act. In fact, there have been more prosecutions instituted in the last 15 months than there were in the last 15 years, including the five under the NDP.

We've brought in family medical leave to help caregivers—disproportionately, I suspect, women. What party tried to hold up family medical leave? The NDP. Why did they? It wasn't an issue of principle. It was more postage. It's the postage party, and we don't stand for that. We stand for the most vulnerable workers in this province.

Mr. Kormos: Minister, it's not just those Steelworker members today who say you've betrayed working people across this province. Buzz Hargrove, CAW: "Fairness and equity demands that your government not overlook the needs of workers in other sectors." Emily Noble,

ETFO: "There is no apparent reason why the government couldn't restore the right to all workers." Cec Makowski of CEP says simply vote against it unless it's amended. Alex Dagg of UNITE-HERE says vote against this unless it's amended. Mike Fraser of the United Food and Commercial Workers says vote against this bill unless it's amended. Wayne Fraser of the United Steelworkers of America says vote against your Bill 144 unless it's amended to extend card-based certification to every worker in this province and eliminate the discriminatory and sexist position that you are imposing on this province.

Minister, why don't you simply extend card-based certification to every worker in this province?

Hon. Mr. Bentley: We're determined to make sure that we have fair and balanced legislation that applies to all people, and it is a balance. It's progressive legislation to assist the most vulnerable. But we won't do what the NDP did between 1990 and 1995 and try to drive investment out of the province, because that drives jobs out and that affects the most vulnerable workers in the province.

We are determined that we will not delegate government's responsibility to assist the most vulnerable either to any individual or organization. We take our determination to assist the most vulnerable very seriously. That's why we've moved on employment standards issues, moved on health and safety issues, moved on labour legislation that is fair and balanced and progressive and in the interests of all the people of the province of Ontario.

HERITAGE CONSERVATION

CONSERVATION DU PATRIMOINE ONTARIEN

Mr. John Wilkinson (Perth-Middlesex): My question is for our wonderful Minister of Culture, who is having a wonderful day today. For years, our heritage resources have been left vulnerable. We've been powerless to protect what is most important to our society: the legacy built and left to us by generations of Ontarians. That's why this government presented Bill 60, An Act to amend the Ontario Heritage Act, a stronger Ontario Heritage Act to prevent the demolition of Ontario's precious heritage landmarks and a stronger act to provide more tools and flexibility to protect local and provincial heritage.

Minister, you were able to bring this bill to fruition, where others in the past have not been successful. How does this bill differ from previous Ontario Heritage Act amendments?

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I want to thank the member from Perth-Middlesex for his support of heritage buildings in his beautiful city of Stratford.

Since the Ontario Heritage Act was introduced in 1975, this is the first government to propose major improvements to bring Ontario's heritage legislation in line with leading jurisdictions in Canada and around the world.

This amended Ontario Heritage Act will empower municipalities to preserve their heritage and reinvigorate their business economies. We now give municipalities the power to prevent, not just delay like in the past, the demolition of heritage buildings. This amendment is counterbalanced by the landowner's rights to a binding appeal. We now also have new provincial powers to identify and designate heritage sites of provincial significance, as well as the power to prevent their demolition.

Mr. Wilkinson: Merci beaucoup, Ministre. This is indeed a great day for Ontario. We've made history today in this House. In my riding of Perth-Middlesex, landmarks such as the Discovery Centre at the historic Stratford Normal School in Stratford, Fryfogel Inn in Perth East, and the Carnegie Library in St. Marys are sources of historical pride and cultural enrichment for my constituents. Minister, what other Ontario landmarks enrich our culture across the province?

L'hon. M^{me} Meilleur: Oui, aujourd'hui c'est un grand jour par l'adoption du projet de loi 60. Dans le passé, comme députée de la ville d'Ottawa, j'ai vu trop souvent de beaux édifices historiques être démolis. Avec ce projet de loi, nous allons pouvoir protéger nos édifices patrimoniaux qui nous sont très chers.

Je pense, par exemple, à des édifices qui ont été protégés dans ma ville : le Pavillon Aberdeen dans le parc Lansdowne, la Cour des arts, le centre communautaire du Glebe, la maison Patterson et la maison Wallis.

Je veux aujourd'hui rendre hommage à Sandy Smallwood, un promoteur immobilier de la ville d'Ottawa qui a su investir pour pouvoir protéger ces beaux édifices qui sont admirés par les visiteurs et les résidents de la capitale nationale.

PETITIONS

SPORT PARACHUTING

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to present a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the lives of student and novice sport parachutists have been and continue to be lost due to a systemic lack of regulation or accountability on the part of any currently governing bodies;

"Whereas inconsistent monitoring, a serious disregard for, or inability to responsibly and competently police adherence to rules, regulations and manufacturer specifications on the part of the skydiving schools and the Canadian Sport Parachuting Association creates unnecessary risk to human life;

"Whereas evidence presented at the coroner's inquest of Gareth Rodgers suggests that the current regulatory body has no desire for accountability or means of enforcing rules and regulations in the sport of parachuting;

"Whereas a system of teaching standards and regulations to safeguard novice and student sport parachutists is grossly deficient;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Dalton McGuinty Liberal government immediately pass and implement Joe Tascona's bill," the Gareth Rodgers Act for Sport Parachuting;

"(2) That the Dalton McGuinty Liberal government petition the federal Liberal government to act in a swift and responsible manner in order to ensure that the lives and safety of sport parachutists, especially student and novice jumpers, are protected by law and that the skydiving industry operates in a responsible, competent and transparent manner;

"(3) That the federal Liberal government consider immediate and responsible interim measures to suspend these activities until a viable solution to this matter may be attained;

"(4) That the federal Liberal government seriously consider the 12 sound recommendations submitted by the jury in the coroner's inquest of the skydiving fatality of Gareth Rodgers;

"(5) That the federal Liberal government make the industry both responsible and accountable for its actions and omissions, within strict standards of safety that must be governed by a competent body whose paramount mandate must be to maintain current equipment, thorough and competent record-keeping, and to ensure that manufacturer specifications are strictly adhered to and that appropriate safety standards are being observed at all times for student/novice skydivers and the equipment that they use."

I support the petition and sign it.

1520

SCHOOL CLOSURES

Mr. John Yakabuski (Renfrew-Nipissing-Pembroke): I have a petition on behalf of the Laurentian Public School council.

"To the Legislative Assembly of Ontario:

"Whereas Laurentian Public School in the west end of Pembroke, Ontario, is the only public elementary school in this end of the city, and as such is the centre for public education for west end residents, as well as a recreational and cultural centre for the entire city; and

"Whereas no school boundary or transportation studies were completed by the Renfrew County District School Board prior to the announced closure of Laurentian Public School in June 2005; and

"Whereas, on-line support, a call centre employing 200 people immediately, with the potential for employing 500 people within five years, has opened in west end Pembroke; and

"Whereas the economic health and development in the city of Pembroke will be severely affected by the closure of Laurentian public school; and

"Whereas the Ontario Minister of Education created new guidelines for schools titled Good Places to Learn: Renewing Ontario Schools prior to the announced closure of Laurentian Public School;

"Therefore be it resolved that the Laurentian Public School council is urgently requesting that the decision to close Laurentian Public School in Pembroke, Ontario, be reversed, and that all construction and capital expenditures related to the closure of the school be suspended immediately."

ANAPHYLACTIC SHOCK.

Mr. Kim Craiton (Niagara Falls): I'm pleased to submit this petition on behalf of NASK from the Niagara region.

"To the Legislative Assembly of Ontario:

"Whereas there is no established province-wide standard to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act" and there certainly should be; "and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I'm pleased to sign my signature to this petition.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many

more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

CREDIT VALLEY HOSPITAL

Mr. Bob Delaney (Mississauga West): : I've got a petition here from Florian and Eunice Bergeron, who are joining a great many of our residents in Mississauga in petitioning the Ontario Legislature. It goes as follows:

"Whereas some 20,000 people each year choose to make their home in Mississauga, and the Halton Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now and 514 beds by 2016; and

"Whereas the Credit Valley bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

"Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fundraising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility to meet the needs of our community;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital, to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department and to better serve patients in the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite."

I absolutely support this petition. I've affixed my signature to it, and I'll ask Alexandra to carry it down for me.

CANCER CARE

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to present to the Legislative Assembly of Ontario. It reads as follows:

"Whereas people of all ages with cancer have the right to seek treatment in their own area without the added trauma and obstacles imposed by having to travel great distances while unwell; and

"Whereas the citizens of" Barrie, "Bradford West Gwillimbury, Innisfil, East Gwillimbury and Georgina have shown their good faith and continue to fundraise for their share of the costs for the development of a regional cancer centre, enabling area patients to receive their life-saving treatment close to home, near their family and friends; and

"Whereas the building of a regional cancer care centre will remove the barrier for area patients to receive their life-saving treatment close to home;

"We, the undersigned, petition the Legislature of Ontario to provide the approvals and funding necessary to commence construction of the" Royal Victoria and "Southlake Regional cancer care" centres.

CARDIAC CARE

Mr. Bob Delaney (Mississauga West): I have a petition regarding Ontario's heart condition, and it reads as follows—I'm assisting my seatmate, Kim Craitor, here:

"Whereas Niagara region has a population of over 430,000 people and has the highest 30-day death rate in Ontario for heart failure, has the second-highest one-year death rate in Ontario for heart failure, has the second-highest heart failure readmission rates in Ontario, has the third-highest post-heart-attack one-year death rate, and is 25% higher than the Ontario average for ischemic heart disease deaths; and

"Whereas in fiscal year 2002-03, Niagara region residents had 1,230 admissions to hospital for heart failure, 1,150 patients admitted to hospital for acute heart attack, 862 admissions to hospital for ischemic heart disease, 93 admissions to hospital for cardiomyopathy, a repatriation population of 458 post-angioplasty patients, 341 admissions to out-of-region hospitals for coronary artery disease, 328 post-coronary artery bypass patients, 92 heart valve replacement patients and three heart transplant patients; and

"Whereas all of the above-mentioned 4,503 heart patients are eligible for cardiac rehab in Niagara, which translates to 1,500 new patients who would access Niagara cardiac rehab services every year; and

"Whereas the Ministry of Health and Long-Term Care funds cardiac rehabilitation in 24 communities but does not fund cardiac rehabilitation services anywhere in Niagara. Heart Niagara, a registered non-profit corporation, provides services in one of the largest cardiac rehab programs in Ontario at no charge to the patient but relies on funding through donations and special events;

"Therefore we, the undersigned concerned citizens of Niagara, petition the Legislative Assembly of Ontario as follows:

"That cardiac rehabilitation services in Niagara be funded by the Ministry of Health and Long-Term Care, as they are in 24 other Ontario communities, and made comprehensive and accessible."

I support this petition. I join with my seatmate, Kim Craitor, in supporting cardiac patients in Niagara. I'm

pleased to affix my signature and ask Ryan to carry it for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): I have another group of petitions from the folks up at Huronia Regional Centre.

"To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

1530

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): It's my pleasure to rise and to thank Zachary and Nicklaus Ramwa and their grandmother, Olive Seepersaud, for this petition to protect anaphylactic students in Ontario schools. It reads as follows:

"Whereas there are no established, Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools, be it therefore resolved that

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic stu-

dents, which requires that every school principal in Ontario establish a school anaphylactic plan.”

I agree with this petition. I'm affixing my signature to it and asking Zoé to carry it. Once again, I thank Zach and Nick Ramwa for their help.

GASOLINE PRICES

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by the good citizens of Cambridge.

“To the Parliament of Ontario:

“Whereas gasoline prices have increased at alarming rates during the past year; and

“Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

“We, the undersigned, hereby petition the Parliament of Ontario as follows:

“(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

“(2) That the Ontario McGuinty Liberal government and the federal Martin Liberal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

“(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario.”

As I agree with this petition, I will sign same.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): “To the Legislative Assembly of Ontario:

“Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

“Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

“Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

“Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

“We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into ‘centres of excellence’ to provide specialized services

and support to Ontarians with developmental needs, no matter where they live.”

I'm pleased to sign my name to that.

ORDERS OF THE DAY

PRIVATE SECURITY AND INVESTIGATIVE SERVICES ACT, 2005 LOI DE 2005 SUR LES SERVICES PRIVÉS DE SÉCURITÉ ET D'ENQUÊTE

Mr. Kwinter moved second reading of the following bill:

Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999 / Projet de loi 159, Loi révisant la Loi sur les enquêteurs privés et les gardiens et apportant une modification corrélative à la Loi de 1999 sur le Tribunal d'appel en matière de permis.

The Acting Speaker (Mr. Ted Arnott): The minister has the floor.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): Mr. Speaker, I will be sharing my time this afternoon with my parliamentary assistant, Liz Sandals, the member for Guelph-Wellington.

It's with great pleasure that I speak in support of the Private Security and Investigative Services Act. This bill marks the first significant improvement in 40 years to the legislative framework governing the private security industry in Ontario. This legislation is about making Ontarians safer. It's a preoccupation shared by our partners, some of whom are with us today. I'd like to recognize Doug DeRabbie from the Retail Council of Canada and Bruce Miller of the Police Association of Ontario, who are in the gallery today.

The proposed act will increase the professionalism of the industry by standardizing training and making licensing mandatory for most security practitioners. Many things have changed since the current Private Investigators and Security Guards Act was enacted in 1966. Our society has changed. The role and importance of the security industry in our daily lives has evolved, and the legislative framework governing the industry must change as well. There were roughly 4,600 licensed security practitioners 40 years ago. There are now 30,000, and the numbers keep increasing. We must ensure that those protecting us are properly trained and licensed to do so. That means mandatory licensing, standardized training and new, more up-to-date standards for uniforms, vehicles and equipment.

The regulations that will be developed if the Legislature adopts Bill 159 would better reflect the growing presence of security guards and private investigators in our society. The proposed act results from a long series of events and consultations with our partners. First, a

2002 discussion paper from the Law Commission of Canada recommended the professionalization of the security industry, and in 2003, a conference organized by the commission looked at the blurring of the role between public policing and the private security industry. Then there was a coroner's inquest held after the death of a Toronto man following an altercation with grocery store employees and security practitioners. The inquest resulted in 22 recommendations for the security industry, including those on mandatory licensing, training, licence classification, portable licensing and an effective enforcement system. I'm pleased to say that the proposed legislation addresses most of the issues raised by the jury's recommendations.

Some of my colleagues in the House have played a role as well. I'd like to thank my colleagues Dave Levac and Mario Sergio in particular. Their respective private members' bills proposed many amendments to the existing act, including changes to training, licensing and uniform standards. Bill 159 is much more comprehensive than the private members' bills introduced by my colleagues, particularly in the areas of licensing and training requirements.

Other provinces are also moving ahead in modernizing their legislation on the private security industry. Quebec, British Columbia, Manitoba and Nova Scotia are all at different stages of reviewing their legislation and introducing changes similar to Ontario's proposals. So there exists a clear momentum to update the way we legislate the private security industry.

We are moving ahead because we need to keep up with the times. It's not 1966 any longer, and the existing Private Investigators and Security Guards Act clearly lags behind the times. The current act lacks defined criteria on training, eligibility or competence, and its licensing criteria are mostly limited to criminal record checks. Almost half of those who provide security services are currently exempt from licensing requirements of the existing legislation.

It became obvious to almost all our stakeholders that we needed to update our legislation. We have worked with our stakeholders throughout the entire process. The ministry's discussion paper on the proposed changes to the legislation was sent to more than 600 stakeholders and posted on the ministry Web site in June 2003. We received 73 written submissions in response, and these submissions informed the drafting of the legislation.

We have continued to work with our partners since the Private Security and Investigative Services Act, 2004, was introduced in this Legislature in December 2004.

1540

Earlier this year, we held briefings for our key stakeholders to outline the key aspects of the proposed legislation and to listen to their concerns and suggestions. Ministry officials met with representatives from the Association of Professional Security Agencies, the Canadian Society for Industrial Security and the Council of Private Investigators of Ontario, among others. We also met with the Canadian Corps of Commissionaires and

representatives in the retail and hospitality sectors. Officials from my ministry also met with key groups of the policing sector. Our partners from colleges, universities and municipalities also took part. We also met with union representatives. I'm pleased to say that the atmosphere during those meetings was very positive.

The ministry has built strong relationships with its partners in this industry. The goodwill generated by this positive partnership will help us develop strong and relevant regulations that will help us protect Ontarians. Our work with stakeholders will continue throughout the development of those regulations.

We are inviting key stakeholders to participate in the private investigative and security services advisory committee. Members will be announced soon, and the committee will begin its work in the coming weeks. Its mandate will be to provide key feedback and advice from all sectors involved in the private security industry. The committee will examine issues like training standards, and standards for uniforms, vehicles and equipment. The committee will assist with defining the act's accompanying regulations. We will make the committee permanent so that its members continue to provide advice and guidance to the ministry with respect to new and emerging issues in the industry.

There has been considerable interest expressed by groups, associations and individuals in serving on the committee, and I believe that we have achieved the right balance to reflect the concerns and issues of our partners. We will be announcing the makeup of the advisory committee very soon.

The committee will provide key advice on the critical components of the proposed legislation, issues such as setting standards via regulations for training and testing, code of conduct, uniforms, equipment and vehicles. I look forward to receiving this advice from the committee as we develop the regulations that will make the proposed act a more modern tool to regulate the private security industry in Ontario.

As I said earlier, we are building on the goodwill expressed by our partners during our consultations with the different sectors involved in the private security industry. Now, I don't think we will agree on everything, but we share the same objectives, and that is to make Ontario communities safer.

The introduction of the Private Security and Investigative Services Act, 2004, in December 2004 was well received by our partners. It's a good starting block to help us develop the regulations. One of our key stakeholders, the Association of Professional Security Agencies, said this through John Carter, its interim president: "APSA members have always been committed to the continuous improvement of the security industry, and as the principal organization representing the majority of the security industry in Ontario, we will continue to be available for consultation with the ministry."

The Council of Private Investigators of Ontario had this reaction to the introduction of Bill 159; here's what council President Bill Joynt said: "We support all

changes designed to ensure a high level of professional service for the community at large, and we welcome the opportunity to participate in ensuring those changes are workable and accepted by the industry.”

Bob Baltin, the president of the Police Association of Ontario, stated after the introduction of Bill 159: “Proper standards need to be in place. All employees and employers in the industry should be properly licensed and accountable. We look forward to working with the government on the accompanying regulations to give force and effect to this positive announcement.”

Here’s what the Ontario Provincial Police Association had to say, and I’m pleased to see that Brian Adkin, the president of the Ontario Provincial Police Association, is here: “The OPPA supports the changes in the Private Security and Investigative Services Act, 2004 ... because they will raise and set appropriate standards for private security services.”

Brian Adkin, as I’ve just said, the president of the association, went even further. He is here, and he will back up that he says: “We support the government move to license and impose quality controls on private security organizations and individuals ... because it is clearly in the public interest.”

The Canadian Corps of Commissionaires, the largest security practitioner organization in Canada, with over 17,000 employees, including 4,000 in Ontario, also supports the legislation. The commissionaires support the proposed act even though they are exempt from the current legislation’s licensing requirements. They are doing so because they are confident in their own training and recognize the need to standardize training programs. Here’s some of what James Breithaupt, the chair of the commissionaires’ Great Lakes region, said in a letter to me: “We are very proud of the superior level of our current training and fully support your initiative to improve the standard of training within the industry.”

Finally, the Ontario Association of Police Services Boards has also restated its interest in the issue of modernizing the legislative framework for the private security industry. As the employers of a great number of police officers in the province, we welcome their comments. Mary Smiley, the president of the OAPSB, sent me a letter outlining her association’s view on the proposed act: “The OAPSB welcomes the introduction of Bill 159, the Private Security and Investigative Services Act, 2004.”

We will be moving ahead in the development of the regulations with the full involvement of our partners. They will be able to channel their views and comments through the advisory committee. We know that these views and comments will be forthcoming from many areas and sectors. Almost everyone recognizes the need to overhaul the legislative framework of the security industry in Ontario.

Many Ontarians interact daily with security practitioners. We all walk by and deal with security practitioners in our workplace or when we go to a sporting event, see a movie, shop or go to a concert.

Ontarians want to know that those who help keep them safe have the necessary training and background to do so. In a world of many challenges and unseen dangers, that’s more relevant than ever before. Ontarians want their government to ensure basic standards, and clearly we owe it to Ontarians to improve the professionalism of the industry. That is why we introduced Bill 159 in December, and why we will continue to listen to the advice of our partners.

The feedback from the 2003 consultation paper and our briefings with stakeholders earlier this year have helped us reach general agreement on the key aspects of the proposed legislation.

Licensing requirements should be universal and based on more rigorous standards. Individual licensed security practitioners should be able to keep their licence when they change employers. Job-related skills, such as report writing and first aid, should be part of the approved training programs, and these training programs should also cover knowledge of relevant legislation and public interaction skills.

These key points of convergence have helped us draft our proposed legislation and will constitute the principles under which the regulations are developed.

Bill 159 would make it mandatory for those offering security services to be properly licensed, trained and equipped. The proposed act will make training mandatory for obtaining a licence for new security personnel, while existing personnel will be required to pass a standardized test.

The proposed act will also level the playing field. Removing most current exemptions in the existing act will help ensure that most individuals who provide direct security or investigative services are regulated by the act and meet the same standards, so we will be able to correct the current situation where approximately 20,000 individuals providing security services in Ontario are exempt from the existing legislation. It’s fair to all practitioners and it will make Ontarians safer. It’s clear to our government that Ontario residents must be protected, and those offering that protection, in any capacity, must be properly licensed, trained and equipped. The proposed legislative changes are necessary to better protect Ontarians, including security personnel themselves, and to reflect the roles and growing numbers of security practitioners in our communities.

1550

The number of licensed security practitioners in Ontario has increased by more than 700% since 1966, the year the current act was introduced. An entire generation of workers has come and gone since the current legislation was adopted. The proposed act would bring fundamental changes to the industry. Mandatory and standardized basic training requirements, portable licences and new standards for uniforms, vehicles and equipment would help bring the entire industry into the 21st century.

We have the support of our stakeholders because our proposed changes would bring new respect and pro-

fessionalism for the entire industry and make Ontario safer. We expect this legislation will be passed and that its accompanying regulations will be in place by 2007. We will work with our partners to develop the standardized training programs and tests, and give the industry enough time to adapt to the new legislative reality.

Our goal is to give Ontario the most effective and modern legislation and regulations covering the private security industry in Canada. The public supports this initiative to make the province a safer place. The policing community favours the proposed changes to professionalize the security industry, while the industry itself recognizes the need for change and modernization.

The Private Security and Investigative Services Act is the right kind of legislation for today's Ontario. It will help make Ontario a safer, stronger and more prosperous place for all of us.

The Acting Speaker: Further debate?

Mrs. Liz Sandals (Guelph-Wellington): I'm pleased to rise and add my support for this important piece of legislation. The Minister of Community Safety and Correctional Services spoke eloquently about the need for Bill 159, the Private Security and Investigative Services Act. The changing face of Ontario society makes the overhaul of the legislative framework of the security industry a necessity. The minister also commented about the great level of support from our stakeholders and the key role they will play in helping us develop effective regulations. I would like to add my voice to those who support this initiative that will make Ontarians safer.

I will speak on particular aspects of the proposed act to illustrate the changes it would bring and the higher degree of professionalism it would create in the security industry. The private investigative and security services advisory committee will be at the very heart of the process to develop those regulations. Our partners will have a direct channel to express their views and suggestions as we work together to put in place regulations by 2007.

The main issues addressed in the proposed legislation will fundamentally change the industry in Ontario. We will implement measures that will professionalize the security industry and make Ontarians safer in the process.

We have addressed the seven following key areas: mandatory licensing for most security practitioners; licence portability; a revised licence appeals process; a public complaints process; standards set by regulations for training and testing, code of conduct, uniforms, equipment and vehicles; insurance requirements; and increased fines and enforcement measures.

First, on the topic of mandatory licensing, the proposed act will level the playing field. Currently, an estimated 20,000 individuals who provide security services in Ontario are actually exempt from the existing legislation. The Private Security and Investigative Services Act will remove most of those exemptions. The act would apply to those whose primary role is to provide security or investigative services. Under the proposed act,

an individual's licence would only be in effect if employed by a registered or licensed entity.

Mandatory licensing is in line with stakeholder feedback we received following the release of the 2003 discussion paper on the government's proposed changes to the industry. The comments indicated that licensing requirements should be universal and based on more rigorous standards. Under the proposed act, mandatory licensing would now apply, for example, to security practitioners, including bodyguards, security consultants and bouncers; the Corps of Commissionaires; in-house security personnel, including the retail sector; and municipal and hospital employees who perform security duties.

Secondly, the licence portability element of the proposed act will reduce administrative burden on employees, employers and the ministry. The proposed legislation would introduce portable licences and enable security practitioners and private investigators to move from one company to the next without having to be re-licensed each time, which is currently the situation. Licence portability would also allow part-time practitioners and investigators to work for more than one company at the same time in order to be able to earn a decent living.

Third, the act would establish a clear licence appeal process. If a licence is not going to be issued or is going to be revoked or not renewed by the registrar of the private investigators and security guards branch, the licensee would have the right, as he or she has currently, to request a hearing before the registrar. The licensee would have to show cause why the registrar should not take the proposed action. The same process applies if the registrar has attached conditions to a licence renewal or issuance. If the licensee does not agree with the outcome of the registrar's hearing, the Licence Appeal Tribunal of the Ministry of Consumer and Business Services would hear appeals of decisions made by the registrar. The tribunal would be able to uphold the registrar's decision, vary, grant or restore a licence, or impose conditions.

The fourth key aspect of the proposed act is the establishment of a public complaints process. Establishing a mechanism to address public complaints was a key recommendation of a coroner's inquest into the death of a Toronto man who, you will recall, died following an altercation with grocery store employees and security personnel in a parking lot.

Under the proposed act, the registrar would be responsible for receiving all public complaints. This will also be defined in the regulations that will be developed with the input of our partners. The complaint would be referred to a facilitator for resolution if the registrar were to determine that the complaint is related to a potential breach of the code of conduct. Under the current system, public complaints made against security guards or private investigators are received by the registrar. However, the registrar will often redirect the complaint to the company involved; that is, the company against which the complaint was lodged. Bill 159 would add more objective

oversight and third-party intervention to the complaint system.

The fifth component of the proposed legislation is a critical one and deals with setting standards via regulations for training and testing, code of conduct, uniforms, equipment, vehicles and insurance requirements.

Training standards need to be high in order to protect Ontarians and to reflect the changes in our province since the current act was adopted in 1966. Made-in-Ontario training standards will be developed, building on the existing Canadian General Standards Board curriculum for security practitioners. Any company or institution will be able to deliver training programs if their curriculum meets the standards set out by regulations. This will help make the training available and accessible in all areas of the province.

1600

New applicants will be required to provide written proof of completion of a training program meeting the standards set in the regulations and they will have to successfully pass a standardized test. We believe this should apply to everyone, and there will be no grandfathering measure in relation to this requirement for a test. Current licence holders will also have to pass a standardized test.

These measures included in Bill 159 are in line with the feedback we received from our partners following the release of the 2003 consultation paper and during meetings held earlier this year.

The key areas of the future training curriculum for security practitioners will include knowledge of relevant legislation, communications and public interaction skills, first aid and CPR, and on-the-job skills such as report writing and note taking. The training program for private investigators would also concentrate on knowledge of relevant legislation, communications and public interaction skills, and on-the-job skills such as report writing and note taking. Testing requirements for private investigators would be the same as for security practitioners.

Any company or institution would be able to deliver training programs for private investigators if their curriculum meets the standards set out by regulations.

New applicants will be required to provide written proof of completion of a training program meeting the standards set in the regulations and of having passed the test. Again, current licence holders will also have to successfully pass the standardized test.

The regulations that will be developed in partnership with our stakeholders will also introduce the first-ever provincially mandated code of conduct for the industry. Many of our stakeholder groups and private security companies have their own code of conduct, but currently there is no legislated code of conduct for all security practitioners. Bill 159, if passed, will correct that situation.

As I described earlier, breaches of the code of conduct could be the subject of public complaints that would be

dealt with according to the process included in the proposed act.

It is important to note that our meetings with our partners in early 2005 had the express purpose of getting their feedback on the proposed legislation. We asked them about the code of conduct and the importance of characteristics like professional demeanour, honesty, truth, accuracy and integrity. We asked them if they thought that maintaining a positive image for the industry, their association, members and clients should be included in the code. We look forward to continuing this important dialogue and getting feedback through the private security and investigative services advisory committee.

For many of our partners and many Ontarians, setting standards for uniforms, equipment and vehicles used by security personnel is a very important issue. Many respondents to the 2003 consultation paper favoured making the uniforms of security practitioners distinctly different from police uniforms. The proposed approach in the Private Security and Investigative Services Act, 2004, is to develop standards consistent with efforts to professionalize the industry. The advisory committee will assist us in developing regulations dealing with uniforms. We do recognize that uniforms and equipment play an important role in company identification, and we will work with our partners in that regard. Bill 159 provides uniform exemptions for personnel involved in loss prevention duties in the retail sector, for example, and those who provide executive protection.

Again, the advisory committee will assist us in developing the regulations dealing with equipment and the training required to use it. The registrar currently determines on a case-by-case basis whether it is appropriate for individual businesses to equip security practitioners with batons or to use canines and, if so, what type of training is appropriate.

The advisory committee will help us develop the regulations related to vehicles used by security personnel as well.

The current outdated requirement for a \$5,000 bond by security companies is simply no longer adequate. It's necessary to ensure adequate protection for the industry, its personnel, clients and the public. Updated insurance requirements will support the professionalization of the industry. The advisory committee will look at the issues of commercial liability and other types of insurance that might be necessary to better protect Ontarians.

We believe that our proposed reforms respond to an attempt to balance the needs and interests of a diverse group of stakeholders in the security industry. We have established a great deal of goodwill through close collaboration with our partners. While the proposed act does not change the fundamental roles of security guards or private investigators, it would set more modern standards in the industry. The Ministry of Community Safety and Correctional Services will be responsible to Ontarians in ensuring that those standards are met.

Bill 159 proposes increased fines for cases of non-compliance. Fines for individuals could go up to \$25,000, and they could reach \$250,000 for companies and agencies. The proposed act would also give more inspection and investigative powers to the ministry's private investigators and security guards branch.

These measures are necessary to better protect Ontarians. Bill 159 represents a huge leap forward for the security industry in our province. With the help of our partners, we will give the industry and Ontarians one of the most modern legislative frameworks for private security anywhere on this continent. It will further professionalize the industry, make its practitioners better trained and help keep Ontarians safe.

The Acting Speaker: Questions and comments? The member for Barrie—Simcoe—Bradford.

Mr. Joseph N. Tascona (Barrie—Simcoe—Bradford): Thank you, Mr. Speaker. I just want to comment on how good you're looking today.

Certainly, Bill 159 is a very interesting bill. I just want to ask the minister, through his parliamentary assistant: Why isn't there a preamble to this bill? Most bills have a preamble explaining what the intent and purpose of the bill is. This is one of the few I've ever seen that does not have a preamble. That's really quite astounding that they wouldn't have put enough thought into this bill to put in a preamble. I would ask them to look into that, because if you're going to turn this into a complaint-driven procedure where there are going to be hearings and whatever, it's not going to be much assistance to the tribunal in understanding what their role is in terms of what they're trying to accomplish. I don't even know what they're trying to accomplish here if they don't put in a preamble.

This is going to have to go to committee hearings because, quite frankly, there are so many loopholes in here under subsection 1(7) in terms of who's not covered and whatever. I'd like to know why they decided to give each one of those groups an exemption. There must be a reason as to why they would pick and choose who would be exempted from this piece of legislation.

I also don't know how it's going to affect the small mom-and-pop operator that wants to get a watchman just to look at their property, whether they're going to have to go to the big security firms, whether this is just designed to support the big security firms for them to get more business and make sure that it's not open for businesses to really get a fair deal with respect to what they're trying to do. Who knows? The government whip over there—I know I always get him going in terms of the thought process here. I've really got his mind twisting in terms of what we're going at.

Mr. Peter Kormos (Niagara Centre): Twisted or twisting?

Mr. Tascona: Twisting. It's twisting—and spinning, if you want to put it that way.

The way we look at it is that—

Interjection.

Mr. Tascona: The parliamentary assistant has a lot of responses to provide, and I wait to hear them.

1610

Mr. Kormos: I should make it clear that the New Democrats propose to be cautiously supportive of this bill at this point. We appreciate the intent of the bill; it has been a matter of concern of New Democrats and of other members of this Legislature for a good chunk of time. We have seen the inquiries and coroners' inquests which, no doubt, in no small way gave rise to the legislation.

I want to make it clear that our support is designed to reflect our support for the intent of the legislation, for the fact that it will enhance the quality of privatized policing in this province—because that's what it is. At the same time, if properly developed and administered, it could well enhance the security and safety of police officers, for reasons I'll get into when I get my chance in just an hour's time.

I want to make it very clear that the government is going to have to accommodate a broad community when it comes to public hearings. There is a huge community out there that has an interest in this type of advanced regulation of security guards and private investigators.

I look forward to the chance to hear the Conservative critics speak to this bill, one of whom I know authored a bill with the same legislative intent in his own right. But even more enthusiastically than listening to the Conservative critics, I look forward to the opportunity to put my own remarks on the record at approximately—

Mr. Tascona: What time?

Mr. Kormos: We'll be up at around 5:10 p.m., 5:20 p.m., just up to the 6 o'clock mark. So at 5:15 I should be on the floor getting myself on the record.

Mr. Bob Delaney (Mississauga West): The Minister for Community Safety and Correctional Services has just pointed out that part of the impetus for his bill acknowledges that the world of the 21st century is no longer the world of the mid-1960s. The long-overdue changes proposed in Bill 159 make it clear that being either a private security guard or a private investigator in today's interconnected world requires security practitioners to attain and maintain a level of professionalism far beyond what still thrills readers of the literature of Dashiell Hammett and Mickey Spillane in their decades of the 1940s and 1950s.

Let me acknowledge the members for Waterloo—Wellington and Niagara Centre for helping me remember the names of the authors and some of the details of the characters.

Gumshoes like Sam Spade and Mike Hammer just can't cut it in 21st-century Ontario. Those filing cabinets likely don't contain a bottle of bourbon in the bottom drawer, and those files are more likely stored on silicon than on paper. An office on the second storey of a rundown office building that's lit by a single overhead light bulb with access screened by a full-figured, tough-talking, street-savvy secretary, probably named Velma, is, with the passage of Bill 159, now firmly and

permanently consigned within the front and back covers of existing and future literary fiction. And, with a nod to Sam Spade, I say that's just swell.

Tomorrow, Spade and Archer are going to need one or more of the following licences to act as a private investigator to engage in the business of selling the services of private investigators and/or selling the services of private investigators and security guards. Ontario's 21st-century training standards and professional development mean that practitioners won't learn their best lessons by eating a knuckle sandwich, building up a stable of low-life snitches and knowing when somebody's packin' heat. With Bill 159 on the books, Miles Archer not only wouldn't have been killed at the beginning; he'd still be alive. And, more than ever, he would have been the one to have found the Maltese falcon and not Sam Spade.

Mr. Garfield Dunlop (Simcoe North): I'm very pleased to make a comment. I will be speaking very shortly on this bill. I found the last speaker's comments quite amusing. There are a lot of neat stories around private security guards etc. that we can look toward.

However, I think there are some very serious points around this bill that we have to acknowledge. I will be doing most of our one-hour leadoff today. I really want to address a lot of things that were recommended in the Shand inquiry. The Shand inquiry is really the reason this has been brought along at any kind of pace whatsoever.

I'm going to cut my comments short right now, but I look forward in a couple of minutes to continuing with my leadoff.

The Acting Speaker: The member for Guelph-Wellington has two minutes to reply.

Mrs. Sandals: Thank you to the members from Barrie-Simcoe-Bradford, Niagara Centre, Mississauga West and Simcoe North for their comments.

When we hear that the biggest concern of the Conservative members is whether or not we've got the preamble right, and when we hear that the NDP is cautiously supportive, I think we've probably got this nailed bang-on. In fact, in the words of my colleague from Mississauga West, that's just swell.

What we are going to see happening here in an industry that has not had very well defined standards—some would say a lack of standards—is a requirement for better training and consistent standards and a regard for making sure that those people who are members of the private security industry have the knowledge and skills to apply first aid, to know what they can and can't do inside the law and to understand their role more effectively.

Given that there has been a broad range of support for this piece of legislation, I think there is a great deal of consensus in the law enforcement community that we are going in the right direction with this legislation. Given that it's almost 40 years since the original legislation, it is high time we got on with updating the legislation and providing a modern standard, a modern legislative framework for this industry. I'm very pleased to support

Bill 159 and will be looking forward to the comments from the other parties.

The Acting Speaker: Further debate?

Mr. Dunlop: I'm very pleased today to be doing the leadoff on second reading of Bill 159 on behalf of John Tory and the PC caucus here at Queen's Park. The long title of the bill is An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999. The short title is the Private Security and Investigative Services Act, 2005. That's interesting.

First of all, I think the point that has been made, that this act hasn't been amended since 1966, certainly warrants making some movement to improve the act. I support the act in that way. When you look at some of the comments the minister made, that the act hasn't been amended since 1966, that in 1966 there were 4,000 licensed security personnel and the number is now 30,000, a 725% increase, I believe that alone tells you that with the growth in this industry—in a lot of ways, there is also a lack of understanding by the general public. If there's one thing we need to do, it's to clarify to the general public five years into this new millennium, and to make sure the general public is very aware of, these responsibilities. For that reason, I know the minister has solicited some support from some of the policing industry. I know that Bruce Miller from the Police Association of Ontario and Brian Adkin from the Ontario Provincial Police Association were here a few minutes ago and had to leave. It's important that those stakeholders, as well as a number of others, are part of this overall process.

Of course, what really drove the bill was the fact that the Shand inquest came out. The Shand inquest came up with 23 recommendations. I'll get into the Shand inquest in just a second, because I do think it's important that we put on record a number of the recommendations made by the Shand inquiry.

1620

Although the minister is happily trying to take credit today for this piece of legislation, I do want, just for a second, to acknowledge the work of Bob Runciman when he was the minister of community safety and the fact that they set up the discussion paper process and had over 600 stakeholders back in June 2003. I think Minister Runciman was on the right path at that time, and I thank Minister Kwinter for following along as well. I think it's important that we do that.

I also want to acknowledge another one of our ministers. I can't attend tomorrow—of course, I wasn't even invited—but it's interesting to note that the Ontario Fire College is having an opening tomorrow at 1 p.m. In response to the events of September 11, 2001, the Ontario Fire College received funding to build an emergency management training centre for firefighters and emergency responders. Anyone who was in this House at that time will remember what a difficult time that was, and that Premier Harris at that time made some quick decisions. Of course, that's the result of some of

those decisions. I remember at the time Minister Tsubouchi being involved with that. It is good to see that facility actually having an official opening tomorrow afternoon. I guess the minister won't be in the House to answer my questions on double-hatters tomorrow, so I'll have on to put those off to another day. That being said, I want to congratulate those two ministers, as well as Minister Kwinter for his work today.

Before I get into the Shand inquiry, here is a story I was telling Mr. Delaney a few minutes ago. It's about security guards, and it's kind of a funny story. I wanted to put it on the record. This was a few years ago, and it happened in my riding. I'm not going to name the mall, and I'm not going to name the guy, but this mall actually hired a security guard. This gentleman was a retired—I guess you could call him a farmer. The guy fell asleep at night in the mall, and some thieves came in and robbed the mall. They actually used a forklift; they drove through the mall with a forklift. They stole the vault, then left the mall. The guy woke up in the morning when they came back and said, "We've been robbed." He said, "I didn't hear anybody." It actually was a true story.

I guess there are times when we do need to amend some of these acts, because they had the tracks of the forklift right through the mall and somehow this security guard completely did not see what happened in the mall that evening. I wanted to put that on the record, because I think sometimes we need a little bit of fun in this House, and to add a little bit of humour to some of the stories that actually take place.

Mr. Dave Levay (Brant): Did he keep his job?

Mr. Dunlop: I can't say that for sure, but likely he did.

The Shand inquiry was such an important part of this, and I'll get into this in just a moment on the private member's bill I introduced myself as a result of the Shand inquiry because I wanted to push this legislation along as well. But I did want to read into the record—I do have an hour to use on behalf of this bill, and I think the Shand inquiry recommendations and the rationale behind those recommendations should be included in the debate.

Patrick Shand, of course, was a young man who was involved in an incident and died as a result of injuries. There was an inquiry and there were a number of recommendations from that inquiry. No one wants to see someone's life lost, but perhaps if this hadn't happened, the pressure wouldn't be on the government today—it wouldn't be on any government—to proceed in this way.

I want to read these in. These are coroner's jury recommendations. This was actually put out about a year ago now, and it's important that we note that, because there are some other things I want to relate on that.

Recommendation number 1 is an amendment to the Private Investigators and Security Guards Act. It reads: "The Private Investigators and Security Guards Act ... should be amended to remove the licensing exemption that presently exists for 'proprietary' or in-house security practitioners and members of the Corps of

Commissionaires. This amendment will provide for mandatory licensing for all privately employed individuals who, for hire or reward, guard or patrol for the purpose of protecting persons or property in Ontario (security practitioners). This amendment is not intended to affect the regulation of armoured car companies or armoured car personnel."

The rationale behind that is simple: "The current act," as we've said before today, "was passed in 1966. The world and the security industry have changed dramatically since that time. To illustrate, there are now some 50,000 persons employed in the security industry, half of whom are unregulated. Every person employed as a security professional should be licensed by the province. In 1966 most security practitioners were watchmen"—maybe similar to the gentleman I mentioned earlier who fell asleep and the forklift drove through the mall—"today they provide a wide variety of services with significant interaction with the public, especially in shopping malls"—there we go again—"hospitals, entertainment venues and other locales."

Recommendation number 2 is the need for urgent change. This is from the Shand inquiry: "We recommend that the Private Investigators and Security Guards Act ... be amended as soon as possible."

What's important about this—I'll get into my own private member's bill a little bit later on—and why I feel it's so important is, if we're really going to take the Shand inquiry seriously, we have to look at the fact that he has asked, as a second recommendation, that we do it as quickly as possible. That's why I have a bit of a problem with 2007 and regulations and advisory panels and all that sort of thing. If we've waited since 1966, I think there is an opportunity to make this move along very quickly. That's why I think recommendation 2, the need for urgent change, is just that: a need for urgent change.

The rationale behind that: "While it is important that all the stakeholders are consulted, the ministry has had many years to consult. When this act was passed in 1966, John Roberts was the Premier of the province and since that time there have been seven more Premiers." In fact, I heard somebody humming some Rolling Stones and Beatles songs the other day in the lobby. I think it was Michael Prue—no, it was Marchese. The bottom line is that a generation has passed and nothing has been done with this bill in 40 years. Since that time, there have been seven more Premiers. "Any remaining consultation process should be expedited so that further delays in amendments to the act are avoided. It seems that the issues should already be well known and the ministry should be able to proceed quickly."

"If there are issues that cannot be resolved in the short term, a phased implementation may be appropriate." Again, we're talking about urgency, and I go back to the regulations and the delays.

"It is important that the government act quickly, responsibly and diligently."

"Recommendation 3:

“Mandatory training

“The Ministry of Community Safety and Correctional Services ... should create a mandatory training program that all security practitioners must complete as a requirement for their licensing.”

The rationale behind that: “Training is the key to providing the necessary skills and knowledge required by security practitioners especially in use of force instances and other areas of interaction with the public. The training is to protect both the security practitioners and the public. If the training is not mandatory for all, some security practitioners may not receive any training or receive substandard training and not have the necessary skills and training to reduce risks to the public.”

1630

The fourth recommendation is “Training program curriculum.” Again, I’m going back to the Shand inquiry because I think it is important that these are read into the record.

“The ministry should create a curriculum for the mandatory training program, through consultation with stakeholders to create industry standards based on best practices.

“For those security practitioners whose duties may include making arrests or the lawful application of force, the minimum level of training should include first aid, CPR and use of force training which identifies the hazards of restraint, asphyxia and excited delirium.

“For a security practitioner to receive a licence allowing them to carry or use handcuffs or expandable batons, they must have received and completed relevant training.”

I go to the rationale behind that inquiry decision: “There should be multiple levels of training for security practitioners in the province, depending upon job requirements, the expectation of the use of force and the use of handcuffs and expandable batons. The system should be transparent in the interest and the safety of the public. The public should expect a high standard of professionalism by all security practitioners in the province. The curriculum should provide the basis for the professional standards.

“Recommendation 5, licence classification system”—the reason I’m reading this out is I want to point out later on that in Bill 88, these were all included in the bill; they were all part of the bill. That’s why I want to read these in, because I’m going to refer back to that after. “The act should be amended to provide for the creation of a licensing classification system in which each level or tier reflects the duties that the security practitioner is competent to perform based on the training he or she has received.

“The licensing classification system should also reflect the degree to which the security practitioner would be expected to interact with the public.

“The licensing classification system should ensure that no security practitioner may carry or use handcuffs or expandable batons without completing relevant training.”

The rationale behind that: “One level of license or training will not meet the demands of all types of security requirements. For example, the requirements for a night watchman are different from the requirements for shopping mall security in that the use of force may be called upon when dealing directly with the public.”

That’s of course unless you’re one of those guys who falls asleep as a night watchman in the mall and the guys drive away with the vault. I keep thinking about that as I’m talking to you today.

“Recommendation 6

“Training programs and persons with disabilities

“Any certified training program, by way of its physical requirement, should not prevent individuals with disabilities or any persons incapable of completing physical training from pursuing gainful employment as a licensed security practitioner, if his or her duties do not include making arrests or the lawful application of force.”

The rationale behind that: “Equal opportunity for all individuals is an important factor in our society.” The inquiry has made sure that was accomplished.

“Recommendation 7

“Recertification

“Those security practitioners whose duties include making arrests or the lawful application of force should be recertified annually with respect to use-of-force training.

“All security practitioners should be recertified for CPR annually.”

The rationale behind that: “The training regarding the use of force is changing constantly and this ensures that security practitioners are up to date with modern training practices across the industry.

“Recertification of CPR is currently a best practice in most industries where CPR training is required.”

“Recommendation 8

“Licence identification and renewal

“Licences should identify the classification of the security practitioner and what equipment he or she is authorized to use such as handcuffs and expandable batons.

“Licenses should be renewed annually.”

The rationale behind that: “Employers, the ministry and the public will know the competency level of the employee.”

“Recommendation number 9, identification”—again this is a very simple one, but it’s something that has to be addressed:

“Where a security practitioner is in uniform, licensing information should be visibly displayed on a badge including a photograph, licence number, company name and classification.

“When a security practitioner is not in uniform the identification must be readily available.”

The rationale behind that: “This will provide recognition to the public, avoid confusion”—that’s an issue we have to deal with a lot during the debate on this and in

committee—"with the police and identify the person as a security practitioner."

I think that we have to really zero in on that particular one when we're dealing with our public hearings and listening to the confusion that is actually out there.

"Recommendation 10

"Method of training delivery

"The mode of delivery of the mandatory training regime for security practitioners shall be approved by the ministry, after consultation with stakeholders. A manual or guide to training and requirements should be published and updated regularly by the ministry.

"Rationale

"There are many possible methods of training, including community colleges, in-house training and computer-assisted training. Training should be flexible and tailored to meet the needs of the industry throughout the province, without reducing quality.

"Recommendation 11

"Certified trainers

"Mandatory training should be delivered by qualified trainers certified by the ministry. There should be an established competency level defined by the ministry.

"Rationale

"The quality and standards of training are vitally important. Trainers and those persons instructing the trainers must meet the highest standards relating to subject matter and adult educational techniques.

"The coroner's office should be consulted in the development of use of force training programs.

"Recommendation 12

"Record keeping and evaluation

"The ministry should develop a mode of evaluation and a system of record keeping for the delivery of mandatory training.

"Rationale

"To ensure that the training regime is effective, complete and accurate records of training should be kept and those records and other means used to evaluate the training programs on a regular basis.

"This record could also be used to track the training of an individual security practitioner over the life of their employment as a security practitioner.

"Recommendation 13

"Enforcement system

"The ministry should implement an effective system of enforcement with powers of inspection and audit. Sufficient resources should be made available to ensure compliance with the licensing and training requirements of the act.

"Rationale

"The amended act will only be as effective as the system of enforcement. This will be particularly true in the early stages of implementation.

"Recommendation 14"—we did not include this in our private member's bill. We were asked to remove this by some of the stakeholders in Bill 88, but I want to read it into the record. This is what the Shand inquiry actually put in:

"The ministry should create an advisory board or committee comprised of stakeholders to facilitate communication and the exchange of information between the stakeholders, and for the purposes of establishing the curriculum of the mandatory training program.

"Rationale

"The advisory board or committee should be constituted as soon as possible to begin their work in conjunction with the ministry prior to the passing of the amended legislation.

"The purpose of the formation of an advisory board or committee is to provide a breadth of experience and advice to the ministry, but the ministry is ultimately responsible and should ensure that it is not used as a mechanism to delay or obstruct the process of implementation.

"Recommendation 15

"Oversight body"—again, this was included in Bill 88.

"The ministry should create an independent oversight body to deal with complaints by members of the public in relation to the provision of security services. Access to this body should be readily available and widely publicized."

The rationale behind that:

"Security practitioners must be held accountable for their actions and the public trust ensured. Publicity should include a 1-800 number and other means of access.

"Recommendation 16

"Portability of licences

"The act should be amended to provide for the portability of individual licences.

"Rationale

"Presently, licences are obtained through the employer. Portability will allow the movement of personnel within the industry of Ontario and eliminate current delays in obtaining licences for new employees who have been previously licensed.

"Recommendation 17

"Funding model

"The funding model for the mandatory training program in British Columbia may be considered as a funding model for Ontario." This would be very interesting.

The rationale behind that:

"Training programs should be funded from an annual licensing fee charged to companies and individuals and there should be no additional cost to the taxpayers."

This recommendation alone is a reason why we should have a number of our stakeholders in here, including not only the police but also industry, because they'll be paying the bills.

1640

"Recommendation 18

"Reporting use of force

"Licensed security practitioners should be required to report any use of force to their employer. The employer's responsibility should be to report use of force statistics annually to the ministry. The ministry should report the

statistics publicly on an annual basis." That can probably be done on a Web site or something.

"Rationale

"Record keeping and reporting will identify changing patterns of activity as well as the need for changes in training, licensing and possibly the act itself.

"This may also identify abuses of the system.

"The statistics should be reported by the ministry to ensure that the public is informed.

"Recommendation 19

"Excited delirium memorandum

"The coroner's office should update memo number 636, dated June 19, 1995, exhibit 4 at the inquest, for distribution to the security industry.

"Rationale

"This is a document that contains vital and possibly life-saving information. It is of the utmost importance that the security industry and all persons dealing with use of force and restraint are aware of the contents.

"Recommendation 20

"Training of persons authorized by an employer to make arrests

"If an employer designates employees to make arrests for property-related offences, those employees should have the same licence and training as is required of other security practitioners who are authorized to make arrests.

"Rationale

"Proper training may reduce the risk of injury to the employee or to the person being arrested.

"Recommendation 21

"Policy communication to employees

"Explicit direction both verbal and written must be communicated to each employee. A sign-off sheet must be filed in his or her personnel file as to their understanding of the expectations of the retailer with respect to the manner in which the apprehension of shop thieves is to be conducted. This communication and sign-off must be communicated on a regular basis, preferably annually.

"Rationale

"This ensures compliance and that the employee is aware of and understands the policy and their responsibilities.

"Recommendation 22," the final recommendation of the Shand inquiry:

"Compliance

"We recommend that failure to comply with the act and its regulations may incur significant fines and other penalties, including loss or suspension of licences, to the practitioner and/or company.

"Rationale

"We feel strongly that the provisions of the act especially with respect to training must be adhered to by all parties."

These are the recommendations that the Shand inquiry brought forward. I think it's really the basis for the reason that the government moved at all on this particular piece of legislation. That was brought in, I believe, on April 23 of last year. I introduced my private member's bill, Bill 88, in June 2004, and the government brought

first reading in on December 9 of last year. We are finally around to actually debating that bill today.

Why I'm concerned—and I want to zero in on Bill 88 for a second—is that we used legislative counsel to help us draft that piece of legislation. We spent a lot of time on Bill 88. I'm not trying to brag or anything else like that, but the bottom line is, it wasn't something we just had somebody draft in 15 or 20 minutes and introduce in the House as a private member's bill. We put a lot of effort behind it and talked to a lot of stakeholders. I think we had a lot of support for it. So I was a little bit disappointed—not that I would expect it—that it wasn't brought forward as a private member's bill. That's one of the things I've said in this House a number of times: that too many private members' bills are brought in, we have petitions on them, we think they'll eventually become law—boy, I can tell you, there are a few of them around here that should be law. I'm not trying to build up a couple of Liberals right now, but there's a bill I hear compliments about all the time that should be passed: Bill 3. Bill 55, Michael Gravelle's bill, the insulin pump bill that I'll be talking about to people this weekend at the diabetes forum up in Orillia—people will be asking, "What is the status of that bill?" I had two letters the other day on Bill 3.

There are times we play partisan politics here, but if there's anything the government can do or anything that we as the 103 elected members can do on democratic renewal, it is to look at this private members' hour much more seriously. I tell you, there's some good legislation here that makes sense and doesn't cost that much. And you know what? I think it would bring a little more harmony into this place. I, for one, would support a lot of the legislation that I see brought forward here.

The member from Barrie-Simcoe-Bradford brought forward his comments a little while ago when he was doing the Qs and As on Minister Kwinter's and the parliamentary assistant's speeches. He mentioned the lack of a preamble or explanatory note. I just want to give you an example of the difference between this bill—I think he had a good point, and I wanted to add this. I want to read the explanatory notes of both Bill 159 and Bill 88 into the record just to show you the difference in what the bills do.

First of all, I will do the minister's bill, Bill 159. The explanatory note on that reads:

"The bill replaces the Private Investigators and Security Guards Act. It regulates private investigators, security guards and those who are in the business of selling the services of private investigators and security guards.

"Licensing requirements are imposed and procedures are put in place for revoking and suspending licences, subject to appeal provisions.

"Offences and regulatory requirements are provided for, as is a process for dealing with complaints from the public.

"The minister may make regulations"—and that's what's very important about this bill, because he's not

obligated to make regulations; he may make them—"setting out a code of conduct for private investigators and security guards."

That's the explanatory note from the bill we're debating today, Bill 159, the bill that's getting all the support from the government.

I'm now going to read the explanatory note from Bill 88. I think it's important to note why I was disappointed that the bill wasn't brought forward. I think it covered a lot of these areas off. It was called the Private Investigators and Security Guards Amendment Act, 2004. There's an explanatory note right in the bill.

"The bill amends the Private Investigators and Security Guards Act.

"It removes the present exemption from the act for members of the Corps of Commissionaires and for private investigators and security guards whose work is confined to acting for only one employer.

"An individual is not eligible for a licence under the act unless the individual has passed the examinations or attained the standards prescribed by the regulations made under the act. A corporation is not eligible for a licence under the act unless a director or officer of the corporation has passed those examinations or attained those standards. The examination and standards must be appropriate for the class of licence for which a person applies and must cover the following areas: the force that a licensee can lawfully use when acting as a private investigator or security guard and the safe use of firearms and the lawful means of making arrests, if the licensee is required to use firearms or make arrests, as the case may be, when acting as a private investigator or security guard.

"A licence issued under the act must state the class, if applicable, for which it is issued. The regulations can prescribe terms of a licence, in addition to the terms that the registrar can impose at present. The terms may be different for different classes of licences and may include restrictions on the equipment that the licensee is authorized to use or prohibited from using in performing the functions for which person requires the class of licence.

1650

"A licence issued or renewed on or after the bill comes into force has a term of no more than one year." Again, this is all part of the legislation, Bill 88. "The registrar can suspend or cancel the licence under section 14 of the act if the licensee is no longer eligible for the licence. A licence no longer expires when the licensee's employment in respect of which it was issued terminates.

"The bill adds several restrictions for licencees. The uniform that a security guard is required to wear while on duty must not reasonably resemble the uniform of a police officer." I'll just stop there for a second. That is a very, very important part of this overall idea of renewing or bringing more responsibility or more accountability to the private security guards act. "The minister responsible for the administration of the act can restrict the markings and colours of a motor vehicle that a security guard uses

while on duty, which must not in any event reasonably resemble a marked police vehicle." We know that's not the case now. "No licensee while on duty is allowed to wear or use badges or other insignia that reasonably resemble those of a police officer. The regulations can specify restrictions on equipment that a licensee is allowed to use while on duty.

"If the regulations require a licensee to keep books and records, they must include a record of all incidents in which the licensee used force while acting as a private investigator or security guard. The licensee is required to furnish a copy of the record annually to the minister responsible for the administration of the act." In this case, it would be Mr. Kwinter's department. "The minister is required to make the record available for inspection by the public. The regulations can also set out a code of conduct that licensees are required to comply with when acting as a private investigator or security guard.

"The bill establishes the Private Investigators and Security Guards Complaints Commission composed of members appointed by the Lieutenant Governor in Council who are not and have not been private investigators or security guards. At the direction of the minister responsible for the administration of the act, the commission is required to advise the minister on the enforcement of the act and the regulations. The commission must also submit an annual report to the minister on its activities.

"A person can make a written complaint to the commission if the person reasonably believes that an applicant for a licence or a licensee has contravened or is about to contravene the act, the regulations or, in the case of a licensee, a term of the licence of the licensee. Upon receiving a complaint, the commission can require the person about whom the complaint is made or any licensee to provide information about the complaint. The commission can also appoint inspectors to enter a premises or vehicle in order to investigate the complaint. The commission is required to disclose information that it receives to the registrar if the information relates to the eligibility of an applicant for a licence or a licensee to hold a licence and to the minister responsible for the administration of the act if the information reasonably indicates that a person may be guilty of an offence under the act.

"The penalty for a corporation that is convicted of an offence under the act is increased to a fine of not less than \$50,000 and not more than \$100,000."

I bring that forward because I'm just comparing the two explanatory notes of the bills. Bill 159, the bill we're debating today, leaves it very vague. Everything is really left up to regulation at the discretion of the minister, and we're hearing today that it will be 2007. Bill 88, on the other hand, addressed 21 of the 22 recommendations right in the bill. Not that it was a perfect bill by any means, but the fact of the matter is that it would have been a lot easier bill to go to committee with—

Mr. Kormos: It may be a better bill.

Mr. Dunlop: —and possibly, as I'm hearing in the background, a better bill.

That's not going to happen; we know that. But I want the public to know that there are private members' bills out there in a lot of areas that are as good as or better than some of the government bills. It would be embarrassing for the minister to have to accept the bill by me, his critic. I know he wouldn't do that. But maybe in this era of democratic renewal, we should take some of these things much more seriously.

I want to talk a little bit about the regulations, because the government does in fact include some of the things in its bill. I'll just go over them fairly quickly. I won't go into everything here.

Under the Shand inquest, the recommendations—and this is what the government's claiming. I'm not 100% sure this is correct. In their press release dated December 9, 2004—and I wasn't invited to that press conference either—they talked about the 22 recommendations that are apparently included in Bill 159. I won't read those all over again, but apparently the government claims it has addressed recommendation number 1 of the Shand inquiry.

Recommendation number 2 is the need for urgent amendments to the act. They claim that's addressed. Now that's what's wrong, because it's not urgent. I see my assistant, Miss Julie Kwiecinski, is over there urging me to carry on with that one. If this is an urgent recommendation by the Shand inquiry, I would have thought this bill would have been introduced last spring, after the Shand inquiry's 22 recommendations. I felt it should have been debated over the summer months in committee and passed last fall—so that we would actually have law—and not be debated a year later. We're actually doing first reading today. I guess next Monday or Tuesday would be one year since the Shand inquiry made its recommendations. So it's disappointing that almost one full year later we finally get around to debating this bill in the House.

Recommendation 3, mandatory training, they claim they address that; the same as 4 and 5, which are the training program curriculum and the licence classification system.

The government claims recommendation 6 of the Shand inquiry will be addressed during consultations with stakeholders starting in 2005. Again, I'm just disappointed in this part of the bill. This is why I'm worried about whether I should even support the bill, unless there's more urgency that would reflect on the Shand inquiry's recommendations.

We're starting the consultations in 2005. As I go through this list, there are a number of them that are addressed the same way.

Number 7, recertification, will be addressed during the consultations.

Number 8, licence identification and renewal, will be addressed during the consultations with stakeholders starting in 2005.

Number 9, the identification part of the Shand inquiry, will be addressed during the consultations.

Number 10, method of training delivery, again, will be addressed during the consultations.

Number 11, certified trainers, is under review. That's what the government is saying, that it's currently under review.

Number 12, record-keeping and evaluation, is currently under review.

Number 13, the enforcement system, they claim that's been addressed.

The same as number 14, the advisory board—and I think the minister did give me some credit at one point for some of that.

Number 15, the oversight body, apparently has been addressed.

Number 16, portability of licences, has been addressed, as has number 17, the funding model. I don't know how the funding model is addressed. They claim this is addressed in the bill, but we have not had consultations with industry. They're going to be asked to pay for this. This is why I think it's going to be so important that we end up with a fairly wide variety, a wide range of committee hearings. The funding model will be a key area here.

Number 18, reporting use of force, will be addressed during consultations with stakeholders starting in 2005.

Number 19, the distribution of the excited delirium memorandum, apparently has been addressed, as has number 20, training of persons authorized by an employer to make arrests.

Number 21, policy communication to employees, is not applicable, they claim, so they claim they don't need to put that in there.

Number 22, compliance, they feel has been addressed.

1700

We've got these two bills. I appreciate the minister's response today, but my worry is that we're here today on the first day of debate, and I think all of my caucus members want to speak to this bill.

Mr. Kormos: Is the caucus voting on this one?

Mr. Dunlop: We won't be debating that right now.

The minister clearly indicated, as did the parliamentary assistant, that they have dealt with stakeholders. Now that the bill will be debated in the House, I'm assuming we'll have three or four days of debate, at least, in the House. I think it's important that we look at the consultation, the consultation being the committee hearings. As the critic for this area, I will be asking right up front that some of the larger communities, perhaps Ottawa, Windsor, London, Sudbury and Toronto—

Mr. Kormos: The north?

Mr. Dunlop: Maybe even as far north as Thunder Bay.

Mr. Kormos: Because life is different in small-town Ontario.

Mr. Dunlop: Absolutely. As I have just been told, life is different in small-town Ontario, and there may be different implications to the bill.

But what's really important is that we're doing this bill. It's the first time in 40 years it's been addressed. Let's get this thing right, but let's get it right long before 2007. There's no reason there can't be draft regulations made right now with an advisory panel, if we have to have it that way, so that we can deal with the regulations immediately after the bill is passed. I think that would make a lot of people in this House, at least a lot of our caucus members, much happier, if in fact that was the case.

I think that if we talk to all the stakeholders—people like most of the police services in Ontario, the Ontario Association of Chiefs of Police, the Police Association of Ontario, the OPPA—all these folks would probably be more than willing not only to come out in an advisory role, but to come back to committee hearings and discuss this with the justice committee or whoever may end up being responsible for the bill. Perhaps the justice committee would be best.

When we're dealing with this bill, we have to look at the commercial side and the industrial side. I understand the minister said earlier that there are something like 30,000 security personnel around today. We have to make sure that the people who are paying the bills for those security personnel are invited to participate in committee hearings. That would include organizations like the Canadian Federation of Independent Business, the Ontario Chamber of Commerce, maybe the Toronto Board of Trade, all the people who may pay the bills and who have to know that the government is bringing forth a stronger bill, but possibly a bill that will cost them more money as a result of the implementation. It looks like the Shand inquiry is recommending that this not cost taxpayers any more money. That would be hard to believe, if it didn't cost them any more money with this government, because every ministry is spending like wildfire right now.

I haven't a lot more to say on this particular bill today. I've gone on a long time as it is, and it hasn't been easy, because I've got a bad sore throat. But the problem is, we know work has to be done in this area. We know there is confusion among the general public around what a police officer is and what a security guard is, what a patrol car is and what a security guard's car is. I've even heard stories where people have been pulled over by a security car. It's not a police officer; it's some guy who wants to be a cop, and he's got a car that resembles an OPP car. He's out of his jurisdiction, and he pulls over someone and tries to fine them or something. That's not right. That confusion cannot happen in the province of Ontario, and I know that has been discussed a number of times with all the police stakeholders. It's certainly not acceptable on the part of anybody who is very professional in the security guard industry.

I thank you today for this opportunity. I would have liked to spend a lot more time on community safety issues, things like double-hatters. I know that is dear to your heart, and we have gone nowhere with that except to give a bunch of money away.

I would have liked to talk maybe a little more about Bill 110 and the fact that it's probably going to get rubber-stamped as half a bill, the same as the grow-op bill will probably be—no, I think we're going to committee on that one. So they didn't listen to amendments on Bill 110, but this time around they might listen to amendments on the grow-op legislation. And believe me, on the grow-op legislation, when it comes up, there are serious amendments that could be made to that bill. I hope you will listen this time. Let's not keep creating these community safety bills that are half bills. Let's get something done. We don't need a bunch of weak cousins around here. We need strong legislation so that police officers in the province of Ontario and those responsible for community safety can do their job and do it right.

I think that's why I am kind of reluctant to support Bill 159 today. It has the right thought behind it, but the regulations are too vague, and what the government wants to proceed with is something that won't be available, they say, until 2007. And if you read the explanatory note, even in 2007 the minister "may" make the regulations in some cases. So we're not sure it's even going to happen. If there is a cabinet shuffle—I hope there is not, because I think Minister Kwinter is as good a minister as you are going to find over there in that area. But if there is a cabinet shuffle, the new minister may come in and drop this thing, and it will just sort of linger out there forever without ever being passed. I think it's important that we, as the members of this House, want this legislation passed. I think people will support an act that fixes something that hasn't been corrected since 1966 and is obviously an area where there is some confusion in the province.

Mr. Speaker, I hope you have been happy with my comments. I haven't tried to get too far off topic here. I would have liked to talk about the Huronia Regional Centre today, and my bill, because it's dear to my heart, and about the site 41 landfill, which is another issue in my riding. But every time I start talking about those in my debate time, the Speaker seems to ask me to get back on topic, and that's not really part of the debate. So I thank you today for this opportunity. I know there will be Qs and Cs here, and I look forward to the comments made by the critic from the New Democratic Party, who will be going next.

Thank you so much for this opportunity.

The Acting Speaker: Questions and comments? The member for Niagara Centre.

Mr. Kormos: Well, thank you kindly. I'm concerned for the member. I know that he wouldn't have left nine minutes on the clock if something weren't seriously wrong. I hope he's well.

I listened carefully, as did everybody in this chamber, to his comments, to the minutiae of his observations. I found myself intrigued by his analysis of the issue.

He should know—he will know—that I, of course, supported his private member's bill. I supported it enthusiastically. It's unfortunate that he's been usurped by the minister. The minister could have simply moved

Mr. Dunlop's bill forward. Look, I know the minister. The minister's a decent person, a good person, a kind person, a fair person, a long-time member of this assembly. I suspect it was some of the high-priced advice he got out of the Premier's office that sent the minister scurrying to dump, scuttle, Dunlop's very capable piece of legislation in an effort to, of course, suppress any exposure that opposition members might get as they, in this chamber, advocate for more justice and more fairness and greater levels of safety in their community.

I'm going to have a chance to speak to this bill in around eight minutes' time, and I'm going to do my best to bring the audience back. I'm going to do my best. Now, at this point I'm not sure what really can be done, but in my own simple, small-town way I'm going to struggle. I take some great motivation from the member from Mississauga West, who cut my grass just a bit but nonetheless has laid the groundwork for some sophisticated debate on this issue.

1710

Mr. Levac: I won't try to pick up the theme of the member from Niagara Centre, but I will talk about a couple of things that he did mention in this place. There are some comments being made that there's a deep concern about whether or not the opposition ever gets its opportunity. I think the member from Simcoe North realizes that even before the Shand inquiry I had submitted a bill, Bill 117, back in 2003. That one didn't get the light of day either. I want to sympathize with him, because I know that the member did an awful lot of work on his bill, Bill 88. There are some things in there that I think, during committee, we're going to put back on the table and have a discussion about, because the stakeholders have indicated that there are some things that they want to take a look at.

Are there improvements for the bill? Are there things that we can take a look at that sharpen it? The question that I ask is, do we want to stay focused on the purpose of this bill? The bill is about protecting the public. It's about establishing a security industry that is professional, properly trained and licensed.

One of the other things that I want to bring to everyone's attention is that when I introduced my bill, Bill 117, we were also lobbied by the OPP. We were lobbied by the PAO. We were lobbied by the industry out there, saying, "You know what? This bill really needs a good kick. We need to shore it up and improve it." So, taken step-by-step, we've had several members in this place who have spoken to the importance of making sure that this industry elevates itself.

The president of the association that's responsible for security guards indicated that they saw the need for some investment themselves. The honourable member opposite from Leeds-Grenville, I think, Mr. Runciman, had indicated that quite some time ago in some of his legislation as well. So I look forward to improvements.

Mr. Tascona: I just want to comment on the statements made by the member from Simcoe North in terms of what we're trying to accomplish here. I go back to the

point, though—because I think it's important in terms of why this bill is being introduced and why it's on the government's order table—about the lack of preamble. It's very fundamental, having a preamble, in terms of describing what your purpose and intent is and what you're trying to accomplish. The government has not put a preamble in this bill. I don't know why they haven't. I don't know what they're trying to hide. I don't know what their game really is here, in terms of not putting a preamble in the bill.

I go back to the exemptions. I know the member from Simcoe North would agree with me that with the number of exemptions that are in this bill dealing with insurance companies, dealing with lawyers, dealing with different types of groups that are involved in security—you've really got to question why they put all these exemptions in and why they're going to be so slow in enacting regulation. When you're slow in enacting regulation, a lot of it is because you haven't done the proper consultation in the first place.

I guess the question would be, are we going to have public hearings on this bill? Also, are we going to have public hearings on the regulations when they put this forth? This is really a complaint-driven process and putting a lot of regulation in place in terms of how they want the industry to go. We really don't know how the government wants this industry to go, whether they just want big security firms to get involved and take over the mom-and-pop stores in terms of how they want to look after their own property. When you're dealing with something like this, you also have to look at what impact it's going to have on business in terms of them being able to look after their property, which is their right under the Charter of Rights and Freedoms.

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm pleased to stand in support of Bill 159. We certainly have had an opportunity to hear a lot about the need for this type of legislation over the last number of years, as we heard about some incidents, and in each of our communities have likely observed some incidents where it has not been clear to the public whether the individual was someone who was a private security guard or a police officer.

When the minister spoke earlier today, he talked about times having changed since 1966. I can support the minister in that statement. Certainly times have changed since 1966. We are in a different time here in Ontario, and this legislation is a mechanism to update where the province should be. What Bill 159 does, which I think is critically important, is address issues by making mandatory the training and obtaining of licences for new security personnel and existing personnel, requiring them to pass a test and to have a certain standard. I know the member who spoke for not quite an hour, the member from Simcoe North, had brought forward some legislation during private members' time. I had an opportunity to participate in that debate at that time.

I think the legislation the minister has brought forward will respond to a number of the concerns that have been

expressed. The act responds to the issues that municipal and public sector employees—it excludes many sectors that are not likely the causes of the problems we've heard about over the years.

So I'm very pleased to support this. I think it will be well received in all our communities and will, at the end of the day, make all our communities safer and bring some clarity to this new and ever-expanding field.

The Acting Speaker: The member for Simcoe North has two minutes to reply if he wishes.

Mr. Dunlop: I'd like to thank the members from Niagara Centre, Brant, Barrie-Simcoe-Bradford and Etobicoke-Lakeshore for their responses to the leadoff I did on behalf of our leader John Tory and the PC caucus.

I really want to say that what's important at this point, as we go through the debate—all our speakers will ask for this; I know it will be a negotiating tool on behalf of our leader. I want to make sure that we get some very clear committee hearings on this. It's important to me that we bring this back before the people and make sure, not only for the people who are directly affected, like the stakeholders, security firms and the police associations, but that we get right into talking to the general public about this bill and how it can be improved upon.

I think what's going to be really important, as we work through the committee hearings, is that we push forward to make these regulations more quickly. The member from Barrie-Simcoe-Bradford mentioned having public hearing, on regulations. I don't know whether that's possible—it does make sense—but I'd like to see this. We've got time to do this, I think. We've been a year to this point, from the point the Shand inquiry came out to the point where the bill is being debated.

I'd like to see this thing proclaimed and acted upon during the year 2005, not 2006 or 2007. I want to get right to work on it. I don't mind working on sub-committees or doing whatever we've got to do. It's been kind of disappointing as it is, because for the longest time I didn't think we were going to debate any public safety bills, but we've had all three of the minister's bills come forward in the last month. I'm very pleased with that. It gives me something to do down here.

I thank you for this opportunity, and I thank all the members for their comments.

1720

The Acting Speaker: Further debate?

Mr. Kormos: Here we are and, nuts, it's 5:20 already. I've only got an hour for the leadoff. That means it's going to be split in half. If we start the leadoff tonight, this afternoon, this evening, right now, then we'll do the balance of it in due course next time this bill is called. That will be the second day of second reading.

Before I start to address the bill, I want to tell you that the pages have prevailed upon me in a significant lobby effort—the pages who tend to our needs here at Queen's Park—in a very organized way. They approached me and insisted that I speak on their behalf in wishing a happy 50th birthday to their Mr. B., Wayne Butt, the deputy Sergeant at Arms. I appreciate that that's not on topic. I

appreciate that I am probably out of order. But you've got to appreciate the pressure that the pages put me under. Look, I can handle the government House leader. I can handle pressure from my own caucus during a caucus meeting. But pressure from pages, no. It was sufficient to cause me to agree to join them in wishing Mr. Wayne Butt a happy 50th birthday—Mr. B., as the pages refer to him. At 6 o'clock, the chamber is going to sing Happy Birthday to Mr. Butt.

Here we are debating yet another one of the Solicitor General's bills—the Minister of Community Safety and Correctional Services. I said before and I will tell you again that I have the highest regard for this minister. I've known him for a long, long time. I am pleased to be able to be in this chamber debating a bill that he presents, one for which I have, and the NDP caucus has, as I indicated before, some very cautious support. We enthusiastically support the need for reform of the whole area of security guards and private investigators. We very much want to see this bill go to committee.

I'm going to lay it out right now. I believe that this bill is going to need some pretty broad-based and extensive committee hearings, because there is a huge constituency out there that deserves to have input to the bill. I hope to get into that in a few minutes' time.

But here we are with yet another one of the Minister of Community Safety and Correctional Services' bills. You'll recall the last bill of his that we were here debating was his marijuana grow-op bill, which has now passed on second reading and is going to be dealt with in committee. In the context of debating yet another bill by the Minister of Community Safety and Correctional Services, one Monte Kwinter, and still being very cognizant of the fact that his bill around marijuana grow-ops is not yet resolved—it's gone to committee—I have some breaking news for you. This is right out of the Toronto Star, the Internet version of the Star: "Pot-based Drug Approved for Pain Treatment." Here in Canada, and indeed only in Canada, like that tea commercial goes. It's true. I'm reading this right off the wire from Canadian Press: "Drug regulators in this country"—that means it's approved. It's going to be on the shelves. It's no longer clandestine, no longer underground. "Drug regulators in this country have given market approval to a cannabis-based drug that can be used for relief of neuropathic pain in adults with multiple sclerosis."

Many of us were—and you probably were too, or if you weren't, it wasn't because you didn't want to be—at the MS walk on Sunday morning this weekend. I was down at the end of Fourth Street, down at the hockey house behind the arena. I was so grateful because Zehrs grocery store in Welland, which is a unionized store, one which I'm a patron of and proud of the people who work there, members of the United Food and Commercial Workers—Zehrs is a unionized grocery store in Welland. It's one of the reasons I patronize it. I encourage people to patronize unionized places; that way you have a fairly decent chance of ensuring that the money you spend there supports a little better wages, at the very least, than

it would in a non-union place. That's not to say all places have to be unionized. In small mom-and-pop operations it could be very difficult, which is why I shop at Pupo's as well, a family-run place. Anyway, Zehrs was a big sponsor—and probably in other communities too—of the MS walk.

We've been reading and hearing from multiple sclerosis sufferers for a good chunk of time now, who smoke marijuana to relieve their pain, many of whom are the recipients and owners now of the federally granted licences to legally possess marijuana but have to go to organized crime to buy it.

Now we've got a drug company—this is what rots my socks—and God bless them, but here we are: "GW Pharmaceuticals and Bayer HealthCare"—Bayer is a huge international. This is big money, right? This is power—"announced today that Health Canada has approved Sativex, a drug derived from components of the cannabis plant that is administered via a mouth spray.

"Canada is the first country in the world to approve the drug, developed by GW Pharmaceuticals and marketed in this country by pharmaceutical giant Bayer."

The problem is, and think about this: The component that they're putting into their prescription drug Sativex is derived from cannabis. Somebody's growing Bayer's pot. Somebody's growing the marijuana that Bayer is using, because—

Mr. Shafiq Qadri (Etobicoke North): It's synthetic.

Mr. Kormos: No, this ain't synthetic; I'll get to that in just a minute.

That was the doctor who said, "Maybe it's synthetic," Hansard, and I responded, putting him on the record, by saying, "No, it's not synthetic." I'm going to get to that in just a few minutes.

"Effective pain control"—

Mr. John Milloy (Kitchener Centre): Can't wait.

Mr. Kormos: Now the member from Kitchener or thereabouts says, "Can't wait." I've just responded to that, so that gets on Hansard, too, so at least his folks know that he's here. He may not be actively participating in the debate today, but he's responding under his breath. He's alive and well. The member from—Kitchener?

Mr. Milloy: Centre.

Mr. Kormos: —Kitchener Centre is alive and well. I want the folks in Kitchener Centre to know that their member is alive and well. I just heard him mutter, "Can't wait." You're not going to have to wait, because I'm going to tell you now.

"The approval of Sativex in Canada reflects the urgent need for additional treatment options in the field of neuropathic pain in MS," added Gordon, a neurologist and director of the Wasser Pain Management Centre at Toronto's Mount Sinai Hospital."

This is not low-life; this is high-class stuff, right? Toronto's Mount Sinai Hospital. This is prestigious expertise.

"Pain management is a challenge with MS patients, of which there are an estimated 50,000 in Canada....

"While there is no cure for the pain"—I skipped a couple of paragraphs in the press release—"caused by the disease, a double-blind study—in which neither participants nor the researchers knew who was getting which treatment—showed Sativex provided 'significantly' greater pain relief than placebo, the release said."

This is what these people have been telling us all along—the people who have been smoking pot to relieve their multiple sclerosis pain. Lord knows how many thousands of dollars—tens of thousands, hundreds of thousands of dollars—were spent in the private sector as well as by the regulatory body to confirm what folks have been telling you for months and years—these poor people who have licences to smoke marijuana as a pharmaceutical to relieve their multiple sclerosis pain but have had to go down to the street-corner organized criminal to buy the stuff.

"The companies"—Doctor, catch this, because this is what you are interested in. The doctor was trying to rebut my proposition that somebody has to grow the pot for Bayer and these people to make this medication. So Doctor, listen closely: "The companies describe the product as a whole plant medicinal cannabis extract, containing tetrahydrocannabinol THC, and cannabidiol as its principal components."

I don't know about you, Doctor, but where I come from, when it says "whole plant medicinal cannabis extract," that implies the whole plant, not some synthetic, not some high-tech person working with test tubes and polymers or, I don't know, neurons and neutrons and things; you know what I mean?

So this is Bayer taking pot plants and making this medicine. So somebody's growing the pot for Bayer. It can't be from Mr. Tascona's riding any more; they shut down that operation. It can't be down from Wainfleet any more; the police raided that operation.

Jim Karygiannis may be ratting out and shutting down the pot-growing operation that Bayer was using to make this legal drug. Think about it.

"Side-effects include nausea, fatigue, dizziness and application site reactions." They forgot about the incredible urge to consume huge amounts of Vachon cakes and other junk foods—I submit that they're being less than candid with some of their customers in this regard—and also perhaps an indefatigable obsession with Grateful Dead records. That could well be yet another side-effect.

So there, I just wanted to update you.

1730

Bayer, a huge international pharmaceutical company that makes millions and millions of dollars, is now trafficking in marijuana. That's the sum and substance of it. Who knows? I have no idea what this costs. A newly approved drug, Doctor, has huge costs attached to it, doesn't it? The doctor nods. Those costs are passed on to the consumer, aren't they, Doctor? Doctor once again grimaces and nods. That means people are going to be paying huge amounts for this cannabis in a bottle—that's what it is, cannabis in a bottle—while this government is spending huge amounts shutting down marijuana grow-

ops, and while tobacco farmers down along Highway 3 in Cayuga, Delhi, Tillsonburg etc. are going bust. Maybe once again the LeDain commission report should be the subject matter of a national debate. I believe it should. Bayer obviously has got the licence to sell marijuana. That's what they're doing. They're trafficking marijuana. High test, this is high octane stuff. It's the extract alone, none of the seeds, no weeds, no stock, no stem. Bayer, a huge international drug company, is indeed right there, in the thrust of things, trafficking marijuana.

The minister's Bill 159 was in no small part a response, as has been noted by the Conservative critic, to the Shand inquiry, the death of Patrick Shand. You will recall that was a tragedy, but insofar as it permitted a coroner's jury to reflect on the manner in which private security conduct their policing activities, the levels of training, the level of regulation etc., it turned into a very valuable process.

I told you I was provoked by the member for Mississauga West, who in a two-minute question and comment went rapidly through a list of fictional private eyes, investigators, the private dick of television and movies and literature. I was impressed at his ability to recite these characters, and as I say, he provoked me, he prompted me, and gave me more than a little bit of motivation. He talked about the Mickey Spillanes of the world, and I just want to tell you that when I think private investigator, those guys, the fedora, the film noir sort of lighting—you know what I mean, right? The camera sort of stuff: the gilt lettering on the door and the shadow it casts on the wall in the office, and, yes as the member for Mississauga West would have it, that half-empty bottle of bourbon in the lower left-hand drawer.

I have been in some offices here at Queen's Park that have been similarly equipped. It's just the nature of the beast. I'm not talking about the lettering on the door with the shadow being cast. I suppose it wouldn't be so much likely to be bourbon here, would it? A bottle of decent scotch is probably the nature of the beast. From time to time—far be it from me—it could be other poisons, who knows?

But I've just got to tell you, when I think private investigator, because Mississauga West went through that list, I think, this is just—Davey Robicheaux, from the writer James Lee Burke, Dave Robicheaux, situated in New Iberia, Louisiana. I started reading the James Lee Burke series of books. They're fascinating, because Davey Robicheaux is mostly a cop, you see, working for New Iberia, and used to work for the New Orleans Police Department, but from time to time he gets fired from the police force because he's a little bit of a radical and a rebel and disinclined to follow the rules, but he takes his lumps.

His buddy Clete Purcel is a big, fat bombast of a guy, with a straw hat and a Cadillac convertible—an old Cadillac convertible—who runs a private investigation firm out of New Orleans, and he's always on the edge. But Clete Purcel never walked away from a bottle of

whiskey or a barroom brawl. And there's Dave Robicheaux. These two are partners.

I actually went to New Iberia, just because it was the location of these James Lee Burke novels. That's where the McIlhenny Tabasco factory is. The Bayou Teche flows through the town, just like James Lee Burke writes in those novels. It's a wonderful place to visit—great seafood, great people.

The Shand inquiry revealed in a formal way some serious deficiencies in the regulation of private security and private policing. That warrants some discussion as well because, really, look what's happening. The inadequacy of support for public policing in this province, across this province, has promoted, prompted and been responsible for an incredible growth in the phenomenon of private police. Increasingly, that's what security guards, these security forces, are. We see private police being employed by business improvement areas, by commercial areas of big city/small town. We see private police being utilized and paid for by neighbourhoods, by residential dwellers.

The phenomenon of private policing, in and of itself, should be of great concern to us. The fact that we have not made the investments that, in my view, have to be made in what is an incredibly labour-intensive activity—policing—so as to sustain sufficiently high levels of staffing in our police services across this province, is what prompts the growth of private police forces. Clearly we have moved beyond the point in time where a department store or a plaza will hire a retiree simply to monitor what goes on there.

I don't have the data, and I don't want to start buying into the culture of fear that somehow suggests that, let's say, people who go to shopping plazas are rowdier now than they were 10, 20 or 30 years ago. As a matter of fact, if you want to read something, read Paco Underhill. I will give the spelling to Hansard before we leave. Paco Underhill is a New York-based plaza consultant and he writes about shopping plazas as being the safest of places, which is why they are so attractive, not only in reality, but in perception as well. They are cocooning people. People walk into a totally new environment. They walk off the street into this self-contained environment.

I'm not going to get into the debate about whether the nature of the plaza customer, the plaza community participant, has changed so as to make them less safe and requiring different styles and different levels of policing, but I do know that increasingly the types of security that are being used are designed to—and in fact do—look more and more like real police, or at least what people think real police look like.

I know a whole lot of people involved in security; all of us do. I worked with the sisters and brothers, the folks down at Casino Niagara, in their organizing drive. They got themselves organized by OPSEU—good people, hardworking people; young people, many of whom are graduates of various policing and security programs or similar types of programs, especially at the community

college level; many people—not all of them—who have aspired to be police officers in their own right and see this as simply an interim job, others who treat it as casual work.

We have the traditional role played by the Canadian Corps of Commissionaires. I look forward to their participation in the public hearings, because, quite frankly, I have some serious concerns.

What the bill does is set up a regime for regulating private security and private investigators, but what it doesn't understand is that there are security officers and then there are security officers. I agree with the proposition that we want to control the private police forces that dress like public police officers, try to conduct themselves, or do conduct themselves, in the manner in which they think that public police officers conduct themselves, and simply force themselves into scenarios where they effect arrests that are dubious, wherein you have hazards that were revealed in the Shand inquiry.

But is the government telling the Canadian Corps of Commissionaires that they are no longer useful?

1740

Mr. Levac: No.

Mr. Kormos: Mr. Levac—I've just responded to his comment, so he gets on Hansard too—says no. I say to Mr. Levac, get back into this chamber, take the floor and explain why not. Mr. Levac says the government doesn't deprive those people from the Canadian Corps of Commissionaires of their role in doing—maybe not the active private police, but in doing the watch duty. A whole lot of these people are former service people, veterans. We're not talking about Second World War veterans any more; they're veterans of the Korean War and more recent military activities. The Canadian Corps of Commissionaires, for whom I have the greatest—I think everybody does. People know who I'm talking about: the Canadian Corps of Commissionaires. We've got a branch in Thorold. The corps has its own separate branch providing security activities. I am loath to support legislation that tells these people that there is no longer a role for them in terms of the level of provision of security that they are trained and equipped to provide.

That's what bothers me about the bill. There isn't consideration of the difference between a watchperson—let me put this to you. You hire a fellow. You've got a scapyard, and you're in small-town Ontario. During the summer months, you know that there is greater accessibility to scapyards. You can't have the pit bull in the scapyard any more, because the government banned it—the junkyard dog, right? You know what I'm talking about. So you've got a watchperson—I was going to say watchman, but you've got a watchperson—and their only job is to sit there and, if anybody tries to climb the fence or steal the steering wheel off that '62 Malibu that's piled up in the back, you expect them to either shoo the person away or call the police.

It's not a whole lot of active private policing. It's a watchperson. I was going to say watchman, but that would get me into trouble with some sectors, and ap-

propriately so. It's a person keeping watch. The problem is that this bill requires that person to be licensed, requires that person to be trained and educated to the same level as a private security guard who, for instance, is patrolling a business area or a department store and who has a far greater likelihood of having to engage in arrests of people, for instance, who are boosting stuff, who are stealing stuff. Is that what the government intends to do? Do you intend to put the Canadian Corps of Commissionaires out of work? I don't know. You better say so, because they want to know.

Mrs. Sandals: They're supporting it.

Mr. Kormos: Well, the government members say they're supporting it. We'll find out at committee.

One of the problems in debating this bill is that once again the government, in what I perceive as nothing more than a demonstration of sloth, has failed to come up with the regulations. Mr. Dunlop has already spoken to that. They've had a year and a half already to at least put forward some draft regulations and haven't done it. I say that's disappointing and frustrating.

Let's face it: At the end of the day, this is going to increase costs for retailers, for industry, for every employer that hires, because it has to or because it feels it has to, private security. You can't expect security guards, private security personnel, to submit to these enhanced levels of education and training—we don't know what they are—without them being paid a fair salary for the investment they make in their background training and for the skills and experience that they display on the job.

I heard one commenter say earlier that public sector employees are excluded. I'm not sure of that. I'm not sure that the legislative security in this building don't have to be licensed under this legislation. I put this to you: I know those legislative security; I've known them now for a good chunk of time, just like some other people here have and, in my view—and I think I can back this one up without hesitation or without any fear of being contradicted—this is a very experienced, well-trained staff. They're grossly underpaid. Did you know that, Speaker? The salaries we pay to legislative security in this assembly are an embarrassment.

We expect them to protect the chamber, to protect the precincts, to do it without firearms—because they aren't armed—to do it with diplomacy, to do it whether it's one angry person or 1,000 angry people or more in front of the building. They do it at considerable risk to themselves. The legislative security staff do it with incredible commitment to their jobs. I'm confident they have never displayed anything but the best of humour—to any of us; certainly to me—politeness and grace. They've got to deal with everything from bomb scares to wacky, harassing mail. I just read today that one fellow, who I think is a frequent correspondent with everybody in this chamber, got himself convicted again. The legislative security have to deal with everything from bomb scares to the prospect of chemical problems, toxic problems. They've got to deal with people who are deranged—I'm not talking about the members, although I suppose I

could. They've got to deal with people who are very hostile, very angry, very unstable. This place is a magnet for them. They've got to deal with people who are angry in their own right, either rationally or irrationally, and they don't have the right to unionize. Think about that. I'm not saying they want to; I don't know. But they don't, do they? They don't even have the right to collectively bargain for decent salaries here in the heart of Toronto.

I find it shameful that the people who literally protect us—and they do. They don't just protect the building. They're far more than night watchmen, or watchpersons. They're doing stuff, and you and I don't even see them when they're doing stuff, because their antennae are up, right? They hear something out there, they anticipate something. Most of their work, I suspect, is preventive. Is that fair to say, Sergeant at Arms? I suspect it's preventive. It's preventing a problem before it happens.

I want to use this opportunity to suggest to everybody in this chamber that a priority for the Board of Internal Economy should be to immediately address the salaries of legislative security and use appropriate comparators in other public security personnel as a guideline for what the wages and salaries ought to be.

The people who work here in this chamber can't afford to live in the city that the chamber is located in. I know them. They don't just commute a couple of blocks, like members do with their apartment allowances. They commute from other cities because they can't afford to live in Toronto. They're not alone in terms of Toronto workers in that regard, but their salaries are abysmal.

I say that we owe it to them to give them the right to organize into a collective bargaining unit should they so wish—I'm talking about the legislative security right here, Mr. Levac.

Mr. Levac: It's excellent.

Mr. Kormos: You're darn right they're excellent. Then why aren't they allowed to collectively bargain? Mr. Levac says they're excellent; he agrees. And I ask Mr. Levac, why aren't they allowed to collectively bargain? I ask Mr. Levac, why are their salaries so abysmal?

The Acting Speaker: I would remind the member for Niagara Centre, when he's talking about another member, to please try to use the riding name and to make his remarks through the Chair.

Mr. Kormos: Thank you, Speaker, and through you I say to the member from Brant, whose family knows him as Dave Levac, to explain, as a senior member of the government, why the legislative security in this building cannot collectively bargain and why they are not paid salaries that are commensurate with their training, with the level of performance they display and with the incredibly challenging task they perform.

1750

I don't say this to be rude or even to be off topic because we're talking about security, aren't we? We're talking about the fact that if you want trained, regulated security personnel, you better be prepared to pay for it.

This assembly has had a free ride with security here at Queen's Park. I believe that. I would welcome members of the legislative security at Queen's Park making presentations to the committee that eventually considers Bill 159 to publicize the inadequacy of their salaries and to publicize the fact that they don't have the power to collectively bargain, because collective bargaining isn't just about wages. It's about job security. It's about being fairly treated in terms of punishment or discipline that's meted out by bosses. It's protection against being arbitrarily dismissed. I've known these people too well for too long to not want to prevail upon other members of this assembly to move promptly.

I am worried with respect to Bill 159 when I get down to the—well, I wanted to raise one with you, and that is the terms of part VI; that's the "thou shalt" and "thou shalt not." One of the penalties is, "No business entity shall employ a private investigator or a security guard unless the private investigator or the security guard has an appropriate licence."

What I find interesting is that there doesn't appear to be a parallel for an employer other than a business. I'm subject to correction in that regard, but does that mean that an individual can hire security guards, private investigators, because there are different penalties for a person doing that work and holding themselves out to be without a licence, but there's no penalty for the hiring of one? I presume that means knowingly hiring. That's going to have to be cleared up as well because, if you have issues around absolute liability, you can't expect a person or a business to be found guilty of an offence if they unknowingly hire after doing, let's say, due diligence; right?

The other interesting one, though, is this. I'm going back many years ago when I used to practise law. I was constantly getting calls, somebody was getting—Commisso's supermarket down on Ontario Road at the Commisso's plaza had great in-house security; a wonderful woman. She was very good at what she did, very, very good. She was a floor walker. She caught shoplifters. The Seaway Mall—constantly getting calls, have to interrupt the office, run down there, "Somebody's getting arrested," and not just kids. There is a whole other phenomenon of adult shoplifting, and not shoplifting for profit, just an aberration. The Clarke Institute of Psychiatry did some major work on it, premised basically good people doing bad things and the whole phenomenon.

But take a look at section 35. "Every person who is acting as a security guard ... shall ... on request, identify himself or herself as a security guard." Think about this. You're in Sam the Record Man. I was talking about HMV and Sam just the other day. I told you I was down at Sam buying that Ramblin' Jack Elliott record. You're at Sam the Record Man and you're a kid who maybe is—please, don't get me wrong. It's not just kids who do this. You know, you're out to do a little bit of five-finger discounting; right? You're being watched by somebody whom you suspect to be the floor walker. This statute

compels that person, if you go up to him or her and say, "Excuse me, but if you're a security guard, you have to show me your identification right now"—that's what the section says. That's the silliest thing I've ever heard. That really doesn't give much effect to having plainclothes security trying to do shoplifting prevention in a department store, a record store, a shoe store or any number of places.

That takes me to this point. Again, I am sympathetic and supportive of the intent of the legislation, but I've got a feeling that it was put together in a rushed way. I don't know; call me cynical, but I've got a feeling that maybe Dunlop's bill provoked this bill. I've got a feeling that maybe the member for Brant was ready to embarrass his own government once again with yet another private member's bill, and that prompted the government to hurriedly put together Bill 159. Because when I see provisions like section 35—"Every person who is acting as a security guard ... shall, ... on request, identify himself or herself as a security guard; and ... produce his or her licence." This is silly. Quite frankly, it reflects some draftsmanship by people who don't really understand, and belies the proposition that there was thorough consultation.

Somebody who's in Zellers to do a little boosting with the false pockets, the whole nine yards, gets to check out everybody to make sure—because that's what it says.

Interjection.

Mr. Kormos: Mr. Dunlop, if you're a security guard working plainclothes to try to protect Zellers from boosters, if I asked you if you're a security guard, you have to say yes, and furthermore, you have to produce your licence. So I'm not going to boost at that Zellers; I'm going to head on down the road. I just find that a troublesome sort of thing.

I want to, and I will, get to the regulations, because that's where some of the racier stuff is—regulations around uniforms, because what we don't want is for security guards who are not police officers and who don't have the training and accountability of police officers—because, although this introduces some accountability,

let's be fair; it's nowhere near the level of accountability that a police officer has.

We're concerned about the type of uniform. The problem is that it's going to take a fair bit of clever draftspersonship to put together a regulation. What are you saying? Do you want them in tutus, in pink leotards, so that they don't look like cops? It's silly. Obviously, anything that has a professional sort of appearance to it is going to have a police-like appearance to it. So where do you draw the line? Where do you put the controls? Do you want to allow shoulder flashes? What if it just says "Bomar Security" instead of "Toronto Police Service"? Or do you not allow shoulder flashes? Are you going to allow rank—sergeants and so on, the chevrons? Because to a whole lot of people, the mere existence of rank implies a public official, not a private official. The prospect of a private sergeant versus a public sergeant boggles the mind a little bit, and I suspect it's used in the private security guard industry in lieu of pay increases—"Oh, we'll promote you to sergeant." I suspect that might have happened with legislative security here at Queen's Park, because Lord knows they aren't paid, so maybe they get rank increases instead of salary increases. If they do, shame on their bosses for treating them that way, and shame on us for allowing their bosses to treat them that way.

I'm in recognition of the fact that you're ready to rise. I'm going to yield the floor until the next chance I have to take the floor to finish my one-hour leadoff on Bill 159. I want to thank you kindly, Speaker, for your patience with me.

I'm looking forward to this bill getting to committee in a pretty prompt way. I spoke with some of the police representatives who were here today, as many others did. They appeared to be eager to have some thorough hearings. I don't want to speak for them, but I'm suggesting that this is the sort of bill that might go out to committee during the month of June—after the House, presumably, has recessed for the summer.

The Acting Speaker: It being 6 o'clock, this House stands adjourned until tomorrow at 1:30 in the afternoon.

The House adjourned at 1758.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon. / L'hon. James K. Bartleman

Speaker / Président: Hon. / L'hon. Alvin Curling

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Hamilton East / Hamilton-Est	Horwath, Andrea (ND)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton Mountain	Bountrogianni, Hon. / L'hon. Marie (L) Minister of Children and Youth Services, Minister of Citizenship and Immigration / ministre des Services à l'enfance et à la jeunesse, ministre des Affaires civiques et de l'Immigration
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative		Marsales, Judy (L)
Beaches-East York / Beaches-York-Est	Prue, Michael (ND)	Hamilton West / Hamilton-Ouest	Dombrowsky, Hon. / L'hon. Leona (L) Minister of the Environment / ministre de l'Environnement
Bramalea-Gore-Malton- Springdale	Kular, Kuldip (L)	Hastings-Frontenac-Lennox and Addington	Mitchell, Carol (L)
Brampton Centre / Brampton-Centre	Jeffrey, Linda (L)	Huron-Bruce	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Dhillon, Vic (L)	Kenora-Rainy River	Gerretsen, Hon. / L'hon. John (L) Minister of Municipal Affairs and Housing, minister responsible for seniors / ministre des Affaires municipales et du Logement, ministre délégué aux Affaires des personnes âgées
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Milloy, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)		Witmer, Elizabeth (PC)
Burlington	Jackson, Cameron (PC)	Kitchener Centre / Kitchener-Centre	Van Bommel, Maria (L)
Cambridge	Martiniuk, Gerry (PC)	Kitchener-Waterloo	Sterling, Norman W. (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Lambton-Kent-Middlesex	Runciman, Robert W. (PC)
Davenport	Ruprecht, Tony (L)	Lanark-Carleton	Matthews, Deborah (L)
Don Valley East / Don Valley-Est	Caplan, Hon. / L'hon. David (L) Minister of Public Infrastructure Renewal, Deputy House Leader / ministre du Renouvellement de l'infrastructure publique, leader parlementaire adjoint	Leeds-Grenville	
Don Valley West / Don Valley-Ouest	Wynne, Kathleen O. (L)	London North Centre / London-Centre-Nord	Bentley, Hon. / L'hon. Christopher (L) Minister of Labour / ministre du Travail
Dufferin-Peel- Wellington-Grey	Tory, John (PC) Leader of the Opposition / chef de l'opposition	London West / London-Ouest	Ramal, Khalil (L)
Durham	O'Toole, John (PC)	London-Fanshawe	Wong, Tony C. (L)
Eglinton-Lawrence	Colle, Mike (L)	Markham	Takhar, Hon. / L'hon. Harinder S. (L) Minister of Transportation / ministre des Transports
Elgin-Middlesex-London	Peters, Hon. / L'hon. Steve (L) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation	Mississauga Centre / Mississauga-Centre	Fonseca, Peter (L)
Erie-Lincoln	Hudak, Tim (PC)	Mississauga East / Mississauga-Est	Peterson, Tim (L)
Essex	Crozier, Bruce (L) Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga South / Mississauga-Sud	Delaney, Bob (L)
Etobicoke Centre / Etobicoke-Centre	Cansfield, Donna H. (L)	Mississauga West / Mississauga-Ouest	Baird, John R. (PC)
Etobicoke North / Etobicoke-Nord	Qaadri, Shafiq (L)	Nepean-Carleton	Kormos, Peter (ND)
Etobicoke-Lakeshore	Broten, Laurel C. (L)	Niagara Centre / Niagara-Centre	Craiton, Kim (L)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	Niagara Falls	Martel, Shelley (ND)
Guelph-Wellington	Sandals, Liz (L)	Nickel Belt	Smith, Monique M. (L)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)	Nipissing	Rinaldi, Lou (L)
Haliburton-Victoria-Brock	Scott, Laurie (PC)	Northumberland	Klees, Frank (PC)
Halton	Chudleigh, Ted (PC)	Oak Ridges	

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Oakville	Flynn, Kevin Daniel (L)	Stormont–Dundas– Charlottenburgh	Brownell, Jim (L)
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Hon. / L'hon. Rick (L) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Thornhill	Racco, Mario G. (L)
Ottawa South / Ottawa-Sud	McGuinty, Hon. / L'hon. Dalton (L) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Thunder Bay–Atikokan	Mauro, Bill (L)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	Watson, Hon. / L'hon. Jim (L) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Ottawa–Orléans	McNeely, Phil (L)	Timiskaming–Cochrane	Ramsay, Hon. / L'hon. David (L) Minister of Natural Resources / ministre des Richesses naturelles
Ottawa–Vanier	Meilleur, Hon. / L'hon. Madeleine (L) Minister of Culture, minister responsible for francophone affairs / ministre de la Culture, ministre déléguée aux Affaires francophones	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Oxford	Hardeman, Ernie (PC)	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Smitherman, Hon. / L'hon. George (L) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Parkdale–High Park	Kennedy, Hon. / L'hon. Gerard (L) Minister of Education / ministre de l'Éducation	Toronto–Danforth	Churley, Marilyn (ND)
Parry Sound–Muskoka	Miller, Norm (PC)	Trinity–Spadina	Marchese, Rosario (ND)
Perth–Middlesex	Wilkinson, John (L)	Vaughan–King–Aurora	Sorbara, Hon. / L'hon. Greg (L) Minister of Finance / ministre des Finances
Peterborough	Leal, Jeff (L)	Waterloo–Wellington	Arnott, Ted (PC) First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Flaherty, Jim (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Zimmer, David (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	Pupatello, Hon. / L'hon. Sandra (L) Minister of Community and Social Services, minister responsible for women's issues / ministre des Services sociaux et communautaires, ministre déléguée à la Condition féminine
Sarnia–Lambton	Di Cocco, Caroline (L)	Windsor–St. Clair	Duncan, Hon. / L'hon. Dwight (L) Minister of Energy, Chair of Cabinet, Government House Leader / ministre de l'Énergie, président du Conseil des ministres, leader parlementaire du gouvernement
Sault Ste. Marie	Oraziotti, David (L)	York Centre / York-Centre	Kwinter, Hon. / L'hon. Monte (L) Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York North / York-Nord	Munro, Julia (PC)
Scarborough East / Scarborough-Est	Chambers, Hon. / L'hon. Mary Anne V. (L) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités	York South–Weston / York-Sud–Weston	Cordiano, Hon. / L'hon. Joseph (L) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York West / York-Ouest	Sergio, Mario (L)
Scarborough–Agincourt	Phillips, Hon. / L'hon. Gerry (L) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement		
Scarborough–Rouge River	Curling, Hon. / L'hon. Alvin (L) Speaker / Président		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	Bradley, Hon. / L'hon. James J. (L) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs		
St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General, minister responsible for native affairs, minister responsible for democratic renewal / procureur général, ministre délégué aux Affaires autochtones, ministre responsable du Renouveau démocratique		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

CONTENTS

Tuesday 19 April 2005

MEMBERS' STATEMENTS

Conservation	
Mrs. Munro	6363
Kawartha Choice Farmland Foods	
Mr. Leal	6363
Bowmanville Foundry	
Mr. O'Toole	6363
Steel industry	
Ms. Horwath	6364
Cecilia Zhang	
Mr. Racco	6364
London Clean and Green	
Ms. Matthews	6364
Skills training	
Mr. Lalonde	6365
Highway 7	
Mr. Sterling	6365
Health care	
Mr. McNeely	6365

STATEMENTS BY THE MINISTRY AND RESPONSES

Electricity supply	
Mr. Duncan	6366
Mr. O'Toole	6367
Mr. Hampton	6367

ORAL QUESTIONS

Municipal finances	
Mr. Hudak	6369
Mr. Sorbara	6369, 6370, 6375
Mr. Flaherty	6370
Mr. Wilson	6374
Mr. Barrett	6375
Long-term care	
Mr. Hampton	6371, 6372
Mr. Smitherman	6371, 6372
Electricity supply	
Mr. O'Toole	6373
Mr. Duncan	6373, 6376
Mr. Crozier	6376
Ministry of Transportation employee	
Mr. Prue	6373
Mr. Takhar	6373
Alleged sexual abuse of minors	
Mr. Brownell	6374
Mr. Bryant	6374

Collège des Grands Lacs

Mr. Marchese	6375
Mrs. Chambers	6375
Windsor border crossing	
Mr. Wilson	6376
Mr. Takhar	6376
Labour unions	
Mr. Kormos	6377
Mr. Bentley	6377
Heritage conservation	
Mr. Wilkinson	6377
Mrs. Meilleur	6377

PETITIONS

Sport parachuting	
Mr. Tascona	6378
School closures	
Mr. Yakabuski	6378
Anaphylactic shock	
Mr. Craitor	6379
Mr. Delaney	6380
Regional centres for the developmentally disabled	
Mr. Dunlop	6379, 6380, 6381
Credit Valley Hospital	
Mr. Delaney	6379
Cancer care	
Mr. Tascona	6379
Cardiac care	
Mr. Delaney	6380
Gasoline prices	
Mr. Martiniuk	6381

SECOND READINGS

Private Security and Investigative Services Act, 2005, Bill 159, Mr. Kwinter	
Mr. Kwinter	6381
Mrs. Sandals	6384, 6387
Mr. Tascona	6386, 6395
Mr. Kormos	6386, 6394, 6396
Mr. Delaney	6386
Mr. Dunlop	6387, 6396
Mr. Levac	6395
Ms. Broten	6395
Debate deemed adjourned	6401

THIRD READINGS

Ontario Heritage Amendment Act, 2005, Bill 60, Mrs. Meilleur	
Agreed to	6369

OTHER BUSINESS

Wearing of ribbons	
Mr. Smitherman	6365
Report of Chief Election Officer	
The Speaker	6366
Visitors	
The Speaker	6366, 6368
Mr. Colle	6366

TABLE DES MATIÈRES

Mardi 19 avril 2005

DÉCLARATIONS DES DÉPUTÉS

Formation professionnelle	
M. Lalonde	6365

QUESTIONS ORALES

Collège des Grands Lacs	
M. Marchese	6375
M ^{me} Chambers	6375
Conservation du patrimoine ontarien	
M. Wilkinson	6377
M ^{me} Meilleur	6377

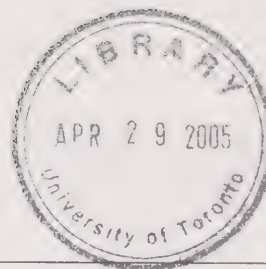
DEUXIÈME LECTURE

Loi de 2005 sur les services privés de sécurité et d'enquête, projet de loi 159, M. Kwinter	
Débat présumé ajourné	6401

TROISIÈME LECTURE

Loi de 2005 modifiant la Loi sur le patrimoine de l'Ontario, projet de loi 60, M^{me} Meilleur	
Adoptée	6369

X1
DZ3



No. 132

N° 132

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 38th Parliament

Assemblée législative de l'Ontario

Première session, 38^e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Wednesday 20 April 2005

Mercredi 20 avril 2005

Speaker
Honourable Alvin Curling

Président
L'honorable Alvin Curling

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 20 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 20 avril 2005

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

ANTI-SMOKING LEGISLATION

Mr. Toby Barrett (Haldimand–Norfolk–Brant): Yesterday the Fair Air Association of Canada and the Pub and Bar Coalition of Canada released the most comprehensive analysis ever done on the economic impact that smoking bans will have on bars and pubs in four Ontario cities. The headlines today say it will cost Ontario \$1 billion in revenue and will see 50,000 jobs slashed in the broader hospitality sector. That \$1 billion could easily be exceeded because it doesn't take into account Legions, charity bingos, casinos, doughnut shops and other restaurants.

The study, conducted by economist Dr. Michael Evans, proves that smoking bans in several Ontario cities have had a real and dramatic impact on revenue. Bar and pub sales in Ottawa, London, Kingston and Kitchener have plunged by \$60 million between 2000 and 2003. Dr. Evans used Ontario Ministry of Finance sales and tax receipt data between 2000 and 2003 to ensure accuracy. To date, no one on either side of the debate has come close to producing a study this thorough, this complete, with the government's own numbers as the source material.

How this Liberal government can ignore such findings and have such disregard for the hospitality industry, small business and their employees is beyond me, especially when there is a scientific alternative: ventilation and designated smoking rooms.

PARLIAMENTARY PRAYER BREAKFAST

Mr. Mario Sergio (York West): This morning over 150 people gathered in the Legislature from all Christian denominations to prayerfully uphold and encourage our government leaders.

In the Bible, the Book of Timothy exhorts us to pray for our government and its leaders every day so that we will walk with all wisdom and sound judgment, making equitable decisions for those under our care and for the less fortunate.

There are daily battles to be fought here at the Legislature. Ultimately we, as leaders, must have the assurance

that we have been divinely called to the privilege of serving in our positions of authority. By acknowledging God, we can access the strength, perseverance and wisdom to stand at our post and not lose our joy.

So today we gathered to give thanks to our Creator for the many blessings He has lavished upon us and to recognize and honour Him in all our ways. We had a full house this morning. We started very early and we had a number of wonderful speakers. We had many wonderful words praising the politicians, legislators, everything that goes on in this place that we call our home and the home of our people. I hope their prayers and their blessing may be shed upon every member of this House.

GREENBELT

Ms. Marilyn Churley (Toronto–Danforth): Yesterday the Minister of Municipal Affairs was scheduled to hike along the greenbelt with a group of grade 2 students from Scarborough.

I hope the minister gave the students a well-rounded education and showed them both sides of the Liberals' greenbelt. To this end, the minister should have planned his hike to end at the beautiful Forks of the Credit Provincial Park in the heart of the greenbelt near Caledon Village. There the children could listen for the roar of the gravel crushers and pit trucks emanating from neighbouring gravel pits—the largest contiguous set of gravel pits in North America.

For the sake of education and truth, I trust the minister told the students that the expansion of gravel pits and quarries within the greenbelt is now easier because of the McGuinty government's changes to the provincial policy statement.

From the Forks of the Credit Provincial Park it would have been a short hike over to Highway 10, where the minister could have modelled a major highway, the type this government is planning to run right through the greenbelt.

I just hope the kids took pictures, because, given the impermanency of the Liberals' floating greenbelt and with aggregate development eating up more and more of the greenbelt with each and every passing day, at least, sadly, the students will have a memory of what once was.

HEALTH CARE

Mr. David Oraziotti (Sault Ste. Marie): The health transformation initiatives that we are undertaking in partnership with our hospitals and community health

organizations are absolutely essential to improve health care in our province.

Unlike the previous government, which failed to manage rising hospital costs, which failed to invest in community health organizations and promote health and wellness programs, we are targeting investments in a way that will improve health care now and in the future.

Under the previous government, the hospital in the riding I represent contained many long-term-care beds and, like many other hospitals, was forced to deliver services that should have been delivered in the community. The result of the previous mismanagement burdened hospitals with significant deficits.

One of the key components of the health care transformation is the reinvestment in community-based health care services, such as long-term care, home care, mental health and public health. Our city has seen over \$28 million in new funding since our government has taken office. Our government's record investments have also meant new jobs in the health care sector in Sault Ste. Marie. In fact, 124 full-time equivalent jobs, including 11 student health-related jobs, have been created. These positions include registered nurses, registered practical nurses, physiotherapists, occupational therapists, dietitians, health care aides, speech therapists and health fitness coordinators.

It's important to point out that job transfers in the health care sector clearly do not equate to job losses. While the opposition members continue their fear-mongering and attempt to generate negative headlines, we will continue to let residents across the province know the real story in health care: a transformation that will deliver improved access to doctors, reduce waiting times and bring health care closer to home.

1340

SEWAGE SPILL

Mr. Frank Klees (Oak Ridges): I rise today on behalf of the residents of Whitchurch-Stouffville who live in the vicinity of the sewage spill that occurred last Friday evening at Warden Avenue and Aurora Side Road. The information we received from the Minister of the Environment's office was that 10 million gallons of raw sewage overflowed from a lagoon at the King Cole duck farm and migrated into Bogart Creek, which flows into the Holland River and eventually discharges into Cook's Bay in Lake Simcoe.

Numerous residents have contacted me, concerned about how this issue was handled by the Ministry of the Environment. I would like to read from one e-mail in particular. Mr. Grant Purdy writes as follows:

"To give an idea of the scale of this spill, the Environmental Defence website categorizes a 3-million-litre spill in Manitoba as large. The one at King Cole was nearly ten times that amount." He goes on to say, "The press release on Saturday evening was ambiguous at best, so on Sunday I telephoned a number of agencies, including the MOE. My best information came from an MOE

worker I came upon by chance, who was taking water samples from the tributary."

Mr. Purdy and his neighbours living in the vicinity of this spill deserve answers to their questions. I want to serve notice today that I will be pursuing this directly with Minister Dombrowsky. I will be convening a public meeting to which the minister will be invited, and we will want answers about this spill. We will be looking for answers as to the consequences and the outcomes that affect Whitchurch-Stouffville residents, and we will be looking for assurances that every step is taken to guarantee the health and well-being of those residents.

FAMILY HEALTH TEAMS

Mrs. Carol Mitchell (Huron-Bruce): I'm very pleased to rise today to speak about the McGuinty government's family health team initiative. Minister Smitherman has been working very hard to find a new approach to primary health care. The first 55 teams were announced last week.

Family health teams will be comprised of doctors, nurse practitioners, nurses, pharmacists and other complementary medical practitioners working together to meet patients' individual needs 24 hours a day, seven days a week. It's important to note that the family health teams will emphasize prevention and healthy living as much as treating illness. In my riding, the riding of Huron-Bruce, the Huron county family health team in Seaforth and the Maitland Valley health team in Goderich are absolutely thrilled to be able to provide better-quality health care for the people who live in their communities and in the surrounding areas.

What has worked before is not working now. In the 21st century, we have new challenges, new technology and growing populations. We must have courage to try new ideas and new approaches. I'm proud to be part of a government that is willing and able to work toward new solutions to old problems. This is a wonderful step forward for primary health care reform in the province of Ontario.

LABOUR LEGISLATION

Mr. Robert W. Runciman (Leeds-Grenville): Recently, a judge in Ontario suggested that anyone believing a political party's promises in an election campaign was at best naïve. That's a sad commentary on the way many Canadians view politics and politicians today. The Gomery inquiry, spelling out the flagrant misuse of tax dollars by the federal Liberals, and the unapologetic breaking of critically important election promises by the McGuinty Liberals are understandably continuing to fuel voter cynicism and indignation.

Last night, in an incredibly stupid move, this gang that can't shoot straight, the McGuinty government, added more fuel to escalating citizen resentment. If you can believe it, in the middle of debate on very controversial labour legislation giving construction unions the right to

do away with secret ballots and organizing drives, the Premier and many of his cabinet colleagues attended an unadvertised event where they were handed \$200,000 by the same unions who benefit from their legislation.

This is beyond the pale. It is shameful conduct on the part of the Premier and his government. It casts a dark shadow over the legitimacy of Bill 144. I call on the government to immediately withdraw the bill and remove the card certification provisions that now, because of this government's covert, offensive and clumsy fundraising activity, give the strong impression that this legislation was bought and paid for. I call on the Premier to take full responsibility for dragging the name of his once proud party even deeper into the muck and mire.

PROGRESSIVE CONSERVATIVE PARTY

Mr. Peter Fonseca (Mississauga East): The rift within the Tory caucus continues to grow every day. We have the member from Nepean–Carleton leaving for Ottawa and the member from Whitby–Ajax flirting or Flahertying with the idea. During the leadership, Tory called for the decorum in the House; meanwhile, his caveman caucus continues to act up in the House.

Tory has also called for fiscal transparency. He has said, "The good news.... Mr. McGuinty has brought in some measures that will allow all of us to have an objective examination of the books of the province.... And I give him full marks for that. It's the right thing to do." That was Focus Ontario, March 20, 2005. Yet every day, every member over there of the Tory caucus voted against the McGuinty Liberal fiscal transparency legislation.

Now we've got the member from Erie–Lincoln openly contradicting his own leader. Mr. Tory has called on Premier McGuinty to soften his attack on the federal Liberals with regard to the \$23-billion gap that Ontario is currently facing. But just today, the member from Erie–Lincoln stated, "If McGuinty really wants to make a difference instead of just paying lip service on this issue, he's got to ratchet up the temperature." The member went on to say, "Again, if McGuinty is really sincere about making changes on the gap, we should see him calling Paul Martin out on this issue during the election campaign." Who's the leader over there?

MUNICIPAL FINANCES

Mr. John Wilkinson (Perth–Middlesex): It's clear to me that John Tory needs to check if his tiny Tory researchers actually passed grade 8 math. It seems that they can't get their facts straight, even when they're presented to them in the simplest possible manner, but it isn't all that surprising coming from the party that thought a \$5.6-billion deficit represented a balanced Magna budget.

For example, yesterday in this House, they accused us of cutting \$47 million in funding from municipalities. The truth is that we actually provided \$38 million more,

an increase of 6.1% over last year. In addition, there's \$233 million in one-time funding that will assist municipalities in their transition to the new funding model that we're implementing. As a result, not one municipality will receive less money this year than they did last year.

In my riding of Perth–Middlesex, residents of Perth county are receiving an overall 16% increase in funding. Residents of Middlesex county are receiving an overall 30% increase in funding.

Perhaps Mr. Flaherty and Mr. Hudak can't add either. These substantial investments will help municipalities pay for social services and policing costs as they manage the Tory legacy of downsizing.

Only those who failed grade 8 math or are motivated by crass politics would try to mislead the public into thinking that municipalities are getting less in provincial transfers. What's surprising is that John Tory likes to talk about wanting to practise a new type of politics. Apparently, the new type of politics that Tory wants to practise has nothing to do with the truth. If you don't fire your incompetent underlings, then I say, "Brand new Tory; same old story."

STATEMENTS BY THE MINISTRY AND RESPONSES

EMPLOYMENT SUPPORTS SOUTIEN DE L'EMPLOI

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I rise in the House to inform all honourable members of an innovative pilot project my ministry is championing a project that will make a real and very positive difference in the lives of many Ontarians.

Last year, we made a number of changes to address many of our problems in our social assistance programs, problems that made those programs cumbersome, treated people unfairly, and created barriers to helping people improve their lives. Now we're taking steps to restore integrity to our social assistance programs. We're moving forward to address one of the root problems of financial dependence, and that's unemployment. We're launching an exciting initiative that is really going to help people move from working for welfare to working for a living.

1350

Ce matin, nous avons lancé le programme ActionEmplois—un tout nouveau projet pilote qui offrira du counselling d'emploi personnalisé, des services de placement et du soutien en matière d'emploi—pour aider les gens à se trouver un emploi et ainsi quitter pour de bon le système d'aide sociale.

This is not another version of the previous government's work-for-welfare program. This is not about forcing single moms and disadvantaged people to take make-work jobs that continue to lead to cyclical un-

employment. This is about providing the right supports to help people improve their lives and become self-sufficient.

JobsNow is unique in four ways:

First, JobsNow specifically focuses on people who have been on social assistance for more than 12 months. We know from experience that lots of people stay on social assistance for only a short period of time—a few months, maybe—while they're going through a temporary rough patch. JobsNow focuses on those people who have been trying to find employment and turn their lives around for at least a year but who have been unsuccessful for any number of reasons. We're doing this because research shows that the longer someone stays out of the workforce, the harder it becomes to get back in, and that one-year mark is a turning point. We know that once someone has been on social assistance for over a year, they're more likely to remain on social assistance for two or three years at least. JobsNow targets this group specifically so they don't end up in a cycle of chronic unemployment.

Second, JobsNow provides clients with the personalized, one-on-one support they need to get back in the workforce and stay there. This is something that my parliamentary assistant, Deb Matthews, the member for London North Centre, highlighted in her review of Ontario's social assistance programs, and we give kudos again to our member from London North, Deb Matthews, for a tremendous report. During her discussions with front-line caseworkers, clients and people who currently provide employment supports to these clients, she heard one thing loud and clear: One size fits all does not work. During her discussions, that's what she found. JobsNow is based on the principle that different people need different supports to find and keep a job. JobsNow will work one-on-one with individual welfare recipients to help them overcome the unique barriers they face, and then go one step further by working with individual employers to match the right person with the right job.

Third, JobsNow will connect with business and employers directly, through partners such as the Ontario Chamber of Commerce, to find those jobs that aren't always so easy to find. We had a tremendous announcement this morning at the office of the Ontario Chamber of Commerce; thanks to that group for having us come and launch such an exciting project. We know there's a hidden job market out there. Only a fraction of the jobs that are available actually get advertised. With JobsNow, we can help our clients find those jobs.

Fourth, JobsNow provides longer-term job retention support—up to 18 months worth of follow-up support—once somebody is placed in a job, because we know that keeping a job is as important as finding one in the first place. Research has shown that individuals who are employed for more than 12 months have a much higher likelihood of remaining employed. Our current Ontario Works employment supports include up to six months of job retention services. While this works for some clients, we know it has been less successful in helping longer-term unemployed individuals return to the workplace.

JobsNow recognizes that many people who rely on welfare want to find meaningful work that will last and that will allow them to make a better life for themselves and for their families. These people are not statistics. They're real people who want to find and keep a job. It's time our welfare programs worked as well. We believe JobsNow will get thousands of people into the workforce. That's good for our clients, it's good for the Ontario economy and it's good for our taxpayers.

Our government made a commitment to restore integrity to Ontario's social assistance programming by streamlining administration, which we're moving on; improving accountability, which we're moving on; and moving people off welfare into steady employment. I'm very excited about this latest part of our plan: a plan that will help improve lives across the province; a plan that strengthens our economy and our communities; a plan that recognizes that our people are our greatest resource. When they can fulfill their potential, the entire province benefits.

Mr. Speaker, I hope that you too will recognize that this government has a whole new attitude when it comes to people who are on welfare. These are people who want and deserve to work, and the Dalton McGuinty government is going to get them there.

The Speaker (Hon. Alvin Curling): Responses?

Mr. Tim Hudak (Erie-Lincoln): I'm pleased to respond on behalf of our critic, the member for Burlington, to the minister's comments. We believe, as Progressive Conservatives, that the best way to move people off welfare is into a job itself, into the workforce. The fundamental role of government is to make sure there are jobs for Ontarians, to make sure our economy stays strong and we can afford improvements in health care or education. The lesson learned: If you want to keep our economy strong, you need to make sure that you reduce taxes, control government spending and not run up massive Dalton McGuinty deficits, as we're seeing across the floor.

Let me point out another problem. This is a bit of an anagram: If you change the letters in "JobsNow," it's "snow job." This is a snow-job program and a snow-job announcement by the minister across the floor. If the minister really wanted to help people off welfare into work, they would not raise taxes as they are doing, they wouldn't raise hydro rates through the roof as Dalton McGuinty is doing, and they'd strive to balance the budget, which is the opposite of any effort that Dalton McGuinty is trying to make. What is worse, if you do succeed in moving somebody from welfare to work, they're hit with a punishing new Dalton McGuinty health tax that impacts those of most modest income the greatest—and shame on them. As soon as they get into the workforce, bam, a new health tax is levied on these individuals.

Let me read some of the details of the program. Does this sound familiar? "A program that will provide a wide range of employment supports that include: practical help in finding a job; community participation; employment

placements; supports to self-employment; basic education and job skills training; literacy testing and training; the LEAP program”—

Mr. John O'Toole (Durham): That sounds familiar.

Mr. Hudak: As my colleague from Durham said, it should sound familiar, because that's Ontario Works, the Mike Harris program that, when this member was across the floor, you had to pull her down off the roof complaining about work for welfare. My, these Liberals say one thing when they're in opposition, but when in government, they say the complete opposite.

Interjection.

Mr. Hudak: The minister is heckling, Mr. Speaker.

The Speaker: Order.

Mr. Hudak: What I find interesting from the minister is that you're partnering with WCG International, a private, for-profit consulting firm. I heard all kinds of stuff from the Liberals about the evils of working with the private sector and contracts with private sector providers, but holy smokes, Sandra Papatello today getting in bed with WCG International, a private, for-profit company? Man, who are you and what happened to the Sandra Papatello who used to sit over here?

It sounds a lot like the Mike Harris program—a program that was successful in taking 600,000 people off work for welfare—

Interjections.

The Speaker: Order.

Mr. Hudak: If there's a program that has ideas, work for welfare—we're proud of our record. Some 600,000 people moved from welfare back on to the employment rolls, a success copied across North America. We're pleased that Sandra Papatello seems to be taking the line of following a Conservative work-for-welfare policy.

We need a bit more detail. Where is the beef in this program? Please tell us. This sounds a lot like work for welfare—maybe we'll hear from the minister how it's not—a program that she would criticize day after day, month after month, year after year. It's a contract with a private sector company, the kind of thing she criticized day after day, month after month, year after year.

This ability of Dalton McGuinty's government to do these sorts of political gymnastics is incredible, where they say one thing before the campaign and something completely different when they're in government. You say it's something different. JobsNow is nothing but a snow job the minister is trying to put over on the public here today.

1400

Mr. Michael Prue (Beaches-East York): I don't often agree with my friend from Erie-Lincoln, but he hit the nail right on the head. This is nothing but another Conservative policy. If you ask him if he's going to support you, of course he's going to support you, because you're doing exactly what Mike Harris did before. It has taken 18 months for your party to go from a party that said you cared for people into another government of Mike Harris on that side.

You said that this is a new and innovative program. It is not a new and innovative program; it is a program that

you have stolen lock, stock and barrel from the BC Liberals. It has been in British Columbia for a number of years. Even your definitions are the same. Even the company's the same: WCG International. It's the same private business that is not helping the people of British Columbia while it lines its own pockets. And you are doing the same thing today that you used to accuse the Mike Harris government of doing in the past. There is no obligation from this private company—absolutely none—to make their finances public. You will pour in millions and millions of dollars to them, and not once will they ever have to tell the people of this province how much you are paying them, how much profit they're making or what they're doing with the money.

It is quite normal that people on welfare go on and off welfare. In British Columbia, the people who were studying this program that you now laud as your own found that two-thirds of welfare cases go out of the system within six months of going on welfare. Unfortunately, it's normal that two-thirds of those who find a job go back on to welfare within two years following finding a job. The only thing that is sure in your announcement today is that WCG International, a private company that is raking in millions of dollars in BC, is now going to rake in millions of dollars more in Ontario.

We have to ask, what are you going to do to protect the poor people of Ontario once they have to apply to this new, for-profit agency? How much are you going to protect them?

I quote this from a publication in British Columbia. WCG vice-president and partner Diane Bradley was asked how much money the company makes. She said, "The bottom line is, we really are proud of what we do." When she was pushed for an answer, she said, "It's profitable, and thank heavens it is," and that's what this is about.

The minister says that people are going to be placed off of welfare. What is the definition in BC of "being placed"? The definition in British Columbia, which I think you're adopting here, is that you're no longer on the system. In British Columbia, if somebody moves to Alberta and gets off the welfare system in British Columbia, they are deemed to be placed, and the company gets a profit. Is that what you have planned for Ontario? If somebody goes into a hospital and is off the welfare system, the company gets a profit. If somebody goes to jail and is off the welfare system, the company gets a profit. Is that what you mean by "placement" in your bill? We think that's what it is.

We have to say that this is a Tory bill, a Mike Harris bill, a bill that's going to do nothing to help the poor.

As one person in British Columbia had to say about this program and how it didn't work for him—and again, I quote from the paper:

"I left income assistance for a permanent job,' one person said. 'The job lasted [only] weeks. When I went back to human resources, I was told I couldn't reapply for income assistance for the next five years. My MLA has not been any help. The government should tear up the

contracts of those high-paid workers they have contracts with, and give people like me a job.”

Madam Minister, if you really want to help, you'll have non-profits do this job and do the placements—non-profits who work to make no money at all. You'll have training subsidies for those who need them. You'll have a requirement that employers, in order to get funds, will maintain the employment for one year or get no funding at all. Last but not least, and most importantly, for the many people who have children, you will provide adequate subsidized child care so that people can actually go out and find a job and keep it.

VISITORS

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): On a point of order, Mr. Speaker: I just wanted to take a moment to introduce the personnel from WCG who are here in the House with us. We're proud to have them here.

The Speaker (Hon. Alvin Curling): That was not a point of order, but let me hear the point of order from the member from Niagara Centre.

Mr. Peter Kormos (Niagara Centre): On a point of order, Mr. Speaker: I want the chamber to know that page Jessica Simoneau is joined by her parents, Edith Toscher and Denis Simoneau; her sister, Emilie; her grandparents Toscher; her grand-mère Falardeau and her Aunt Caroline.

The Speaker: That is also not a point of order, but welcome.

Hon. Dwight Duncan (Minister of Energy, Government House Leader): On a point of order, Mr. Speaker: In the east gallery, I'd also like to introduce Mr. Peter Love, Ontario's new chief energy conservation officer, and his family.

Hon. Christopher Bentley (Minister of Labour): Mr. Speaker, on a point of order—

The Speaker: Is this the same type of point of order?

Hon. Mr. Bentley: I'm wondering if it would be a point of order if I recognize St. Paul elementary school from the riding of London West up in the gallery.

The Speaker: I hope that—
Interjections.

The Speaker: Let me get a point of order in too. I'd like better behaviour and no shouting across from one to the other, so that when I do call oral questions, we get that co-operation.

ORAL QUESTIONS

MUNICIPAL FINANCES

Mr. John Tory (Leader of the Opposition): My question is for the Premier. Premier, Thunder Bay, North Bay and Sudbury collectively received \$3.2 million in

gas tax revenues in 2004-05 but will lose \$8.2 million in transfers under your so-called fairer municipal funding program. These municipalities have a choice to make: They can fund public transit, as was intended with the gas tax money, they can use it to partially make up for the cuts in the transfer payments, or, of course, raise property taxes. Why are you cutting this \$5 million from these northern cities and forcing them to impose big property tax increases?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): I know the Minister of Finance is prepared to speak to this.

Hon. Greg Sorbara (Minister of Finance): I know the Leader of the Opposition is still trying to recruit in his office, and I really recommend strongly that he look for better researchers, because, as yesterday with the member from Erie-Lincoln, my friend just has it wrong on the new Ontario municipal partnership funding.

Let's just deal with the north for a moment. We're very proud of the two cents per litre in gas tax that is going to help in public transit. We're very proud of the fact that we are going to be absorbing more of the cost of public health. And on the municipal financing partnership, I should tell the Leader of the Opposition that the special allocations for northern and rural municipalities are going to be of significant help to municipalities right across the north. I recommend to the Leader of the Opposition that he pay more attention to his details.

Mr. Tory: I would recommend that you might try answering the question, because I asked you not about the north; I asked about North Bay, Thunder Bay and Sudbury, which you didn't deal with whatsoever.

My supplementary question is to the Premier. Premier, the city of Brantford received just over \$700,000 in gas taxes for 2004-05 but will lose 10 times that amount—\$6.681 million annually—under your so-called fairer program for cities and towns. Brantford mayor Mike Hancock just two days ago said he felt a sense of betrayal. No wonder. Brantford has a choice to make: They can either use the gas tax money granted for public transit while facing a \$7-million cut in transfers, or they can raise property taxes. Can you confirm these numbers for Brantford and tell us why you're forcing them to raise taxes in this way?

Hon. Mr. Sorbara: My very good friend the Leader of the Opposition referred to Sudbury. Let's hear what Greater Sudbury ward 5 councillor Doug Craig said recently in the Sudbury Star apropos of this program: "It is a reliable and predictable source of new revenue, and it's something we're very fortunate to get."

1410

Now let's go to Brantford. Let's point out to the people of Ontario that under the new Ontario municipal partnership fund, no community in Ontario will receive less than they did last year. Let's point out to my friend the Leader of the Opposition that this program in this year represents a 6.1% increase in municipal grants from the province of Ontario.

Finally, let's point out to the Leader of the Opposition that we are scrapping what we inherited from the Tories,

which was inequitable, very expensive, and unfair, and we're replacing it with a program which, at the heart of it is driven by equity and fairness and appropriate levels of funding.

Mr. Tory: Again to the Premier: Let's point out to the people of Ontario, first of all, that you didn't answer the question, and secondly, that there are an awful lot of cities and towns that are going to get a lot less next year and the year after that, whatever you say is going to happen this year.

My final supplementary: Your pledge to the cities and towns is to give them a share of gas taxes for public transit, and I would argue that it's a sham. Kingston, the riding of your own Minister of Municipal Affairs, will lose \$3.4 million under your so-called fair municipal funding program but receive just over \$1 million in gas taxes. Can you confirm these numbers and tell us why you are hurting Kingston this way and forcing them to raise property taxes?

Hon. Mr. Sorbara: I want to help out the Leader of the Opposition. He mentions Brantford, so I think it's appropriate to point out that \$792,741 in new gas-tax funds and public health funding will be going to the community of Brantford.

I regret that I don't have the funding for Kingston right in front of me, but he needs to know, the people of Kingston need to know and the people of Ontario need to know that no community in Ontario will receive less this year than they did last year. So for him to suggest in this Legislature that somehow any community is suffering under this new program is simply not in accordance with the facts.

I reiterate: We are putting 6.1% more in our new municipal partnership program than was in the program that existed, and we've scrapped the program that the Tories had because it simply did not work.

The Speaker (Hon. Alvin Curling): New question, the leader of the official opposition.

Mr. Tory: We didn't get an answer on the cuts to Thunder Bay, North Bay, Sudbury, Brantford or Kingston, and of course the minister is talking about this year and very carefully not talking about next year or the year after.

Let's talk about Chatham. Chatham is losing a staggering \$12.8 million under your so-called fair program, and yet they're receiving \$610,000 in gas tax money. The Chatham Daily News says property taxes will go up 10.5% as a result. Guelph will receive nothing—zero—under your new fairer program, a hole of \$2.7 million, and they'll receive roughly half of that in gas transfers.

Can you confirm these numbers and tell us why you are forcing those cities to raise taxes on their residents? Why are you hurting Guelph and Chatham? Why are you hurting them?

The Speaker: The question is directed to whom?

Mr. Tory: To the Premier.

Hon. Mr. McGuinty: The Minister of Finance.

Hon. Mr. Sorbara: Let's just go back to some basic principles, for example. At the last meeting of the Asso-

ciation of Municipalities of Ontario—AMO—the tone, if I could sum it up, was simply this: "We are so glad, finally, that we have a government at Queen's Park that is listening to our concerns." As we were developing the new Ontario municipal partnership fund, the leaders of AMO and communities all across the province said, "We need to make sure that we are able to reconcile our accounts for 2003 and reconcile our accounts for 2004." So we made sure that, in developing this program, we did that, and that has resulted in some \$233 million in transitional funding. It's one of the strongest points of the new program.

The Speaker: Supplementary, the member from Erie—Lincoln.

Mr. Tim Hudak (Erie—Lincoln): Back to the Premier: I remember the recent Rural Ontario Municipal Association meeting, where your ministers on the stage were booed and jeered regularly when they gave these types of weaselly answers to the questions municipalities were asking.

Minister, Premier, your so-called new deal for municipalities has turned out to be a raw deal for those municipalities. Let's look at Windsor, for example. In 2004, Windsor received \$2.1 million up front and an additional \$3.3 million under reconciliation—a \$5-million CRF transfer. Their new permanent funding under Dalton McGuinty is zero; zip; nada; not a penny. Do you expect them to pump their gas money into this hole that McGuinty has created, or to take the full \$5 million from welfare and children's services?

Hon. Mr. Sorbara: This is all based on the press release that my friend put out yesterday, which, not to put it too delicately, was trash. Let's just talk about southwestern Ontario. Lambton county: from \$9.03 million in 2004 to \$10.29 million in 2005; Huron county—very close to my friend's heart: from \$13.6 million in 2004 to \$15.78 million in 2005; Perth county: from \$10.88 million in 2004 to \$12.64 million in 2005; the city of London: over \$13 million in new funding. Why? Because it was the right and equitable thing to do, to repair the broken monster that we got left with from the previous administration.

Mr. Hudak: I think the minister is being a little fast and loose with the numbers. Look at your own chart, Minister. You referenced Perth county, close to my heart. They received \$2.7 million last year. Their permanent base funding was zero. Your own numbers: their permanent base funding, zero. If you don't know your own program, no wonder that municipalities across Ontario are calling you to account.

Belleville received half a million dollars, slashed from their program supports—social services, policing—under Dalton McGuinty's raw deal for municipalities. The average income in Belleville is 16% below the provincial average. If you want to attract jobs to Belleville, it's not going to help that the municipality will be forced to raise taxes or cut services because of Dalton McGuinty's raw deal and broken promises. What is your answer for Belleville? Do they use their gas tax and pump it into that

hole that McGuinty has created, or do they cut their programs to the local taxpayers?

Hon. Mr. Sorbara: I'd like to say to my friend from Erie—Lincoln that if he wants an opportunity to visit us at the Ministry of Finance to get a better understanding of the Ontario municipal partnership fund, we will make time available in the morning, afternoon or evening. I'll say to him that the funding partnership is made up of a number of grants, including a northern and rural grant which looks to the specific needs of northern and more remote communities where populations are spread out and the need for additional funding is driven by the fact that services are more expensive; a policing grant, because particularly in smaller municipalities the cost of policing is an inordinate cost; and then a grant for social services, recognizing that in some communities the cost of providing social services is much higher.

I wish my friend had the opportunity to visit the ministry and discover the mess that was left by them and their downloading on municipalities right across Ontario.

LOBBYISTS

Mr. Howard Hampton (Kenora—Rainy River): My question is for the Premier. Before the last election, you promised to set a higher ethical standard, but yesterday we learned that your Minister of Transportation thinks it's OK to hire someone who is funnelling illegal money to political candidates; that it's OK as long as he isn't facing criminal charges.

Today I want to ask you about some high-priced seminars for lobbyists. Over the last year, Leonard Domino and Associates have held a series of seminars. They charge clients \$550 a head to teach them how to get the inside track with the McGuinty government. My question is this: Do you think it's appropriate for your MPPs and cabinet ministers to actually be providing the lessons at these lobbying sessions?

1420

Hon. Dalton McGuinty (Premier, Minister of Inter-governmental Affairs): Once again the leader of the NDP is desperately pursuing a non-existent lead. We take pride in having set what I think is a good standard when it comes to ethics and integrity. Let me tell you about some of the things we've done. I know the members opposite don't support these kinds of things. For example, we've introduced greater transparency into government financing by bringing forward the Fiscal Transparency and Accountability Act, something the Conservatives would not support. We've also been clear that we intend to expand the powers of the Provincial Auditor so that he can look, for example, at our colleges and universities and hospitals, some of our transfer partners. Again, the members opposite gave us some difficulty in increasing that transparency and accountability.

Mr. Hampton: Premier, that was a valiant effort at avoiding answering the question.

We're not talking about ordinary speaking engagements here. This is a crash course on how to get goodies

from the McGuinty government, and members of your caucus and of your cabinet actually go and teach the lessons. In the advertisement for one seminar it states, "You'll need new strategies to deal with the new government ... whether your concerns are primarily about funding, about regulation, about scope of practice or any other aspect of government policy." Just below that there's a photo of two lucky customers and Sandra Pupatello, your minister. Take the picture to the Premier, please.

Minister Pupatello isn't the only McGuinty Liberal who is providing access at a price. Here are George Smitherman, Brad Duguid, Mike Colle, David Zimmer, Mario Racco, Lorenzo Berardinetti and David Caplan. It seems like for \$550 a head you can meet a lot of Liberals.

Premier, will you release the names of the lobbyists who bought access to your caucus members and your cabinet members?

Hon. Mr. McGuinty: To the Minister of Community and Social Services.

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): First of all, I think you've got to be truthful with people when you ask a question in this House. I'm glad you brought a photo here, because what I am telling you is that I recall very well the people I spoke with, people who represent non-profit organizations trying to advance things for the most vulnerable: housing issues, social service issues, individuals who are struggling to make life work in our province.

That party thinks there's something wrong with asking the minister responsible for social services about what the dreams are of the Liberal Party as a government. I stand by any organization I spoke with about the best way to help vulnerable people, and I look forward to another question on this matter.

Mr. Hampton: I heard a lot of bluster there, but I didn't hear an answer.

Before the last election, Dalton McGuinty said, "The Harris-Eves government gave money too much influence and citizens too little. We will put the public interest ahead of special interest."

Premier, the last time I noticed, when autistic parents and their children were here, you wouldn't even look them in the eye, but if somebody has \$550 a head to pay to this lobbying firm, they can get access to your cabinet ministers, to your caucus members. All it takes is \$550 a head. I should add that it's not just the opportunity to chat up your members; you get Atlantic smoked salmon, tiger shrimp and grilled portobello mushrooms while they chat up your cabinet members and your caucus members.

The Speaker (Hon. Alvin Curling): Question.

Mr. Hampton: Premier, will you release the names of the lobbyists who bought access to your MPPs and cabinet ministers at these high-priced, private lobbying seminars? Please don't tell us it was the poor—

The Speaker: Thank you.

Hon. Ms. Pupatello: I would like this leader of the opposition to know, to understand. Do you know who I

spend more time with in the boardroom of the Ministry of Community and Social Services? Tories, who are out of work because that government lost, bring organizations to see me, to talk about the most vulnerable people in the province. Individuals who used to work for that government come into my boardroom today to talk about how to get housing for people, how we make services work in social services. They come to talk to me about long-term care. They come to talk to me about how to get more special services at home. Tories are bringing people to see me. That's my job.

The Speaker: New question.

Mr. Hampton: To the Premier—and I'll send over the rest of the photos. By the way, the Premier makes it on to this advertising campaign at \$550 a head as well.

Premier, again, you were going to provide strong leadership, you were going to set higher standards, you were going to do things differently from your predecessor. But it seems that you are just as addicted to inside advisers and backroom fixers and lobbyists as Mike Harris was.

Today, the Toronto Star reports that your chief backroom fixer, Warren Kinsella, held a secret meeting with Stephen Harper's senior adviser on April 6, the day after you spoke to Stephen Harper about your problems with Paul Martin. We know that Mr. Kinsella is an effective lobbyist. We saw him take your spills bill on behalf of the chemical industry and send it out the side door to a dead-end committee. He's very good.

The question I want to ask you is what is going on here? What is going on with your government?

Hon. Ms. Pupatello: I'd like to give the House a very good example of an individual who worked for Premier Dalton McGuinty. His name is Phil Dewan. Phil Dewan called my office. He's a consultant, as this member would call him. Do you know what he did? He brought parents of individuals who live at Huronia into my boardroom. Moreover, he wasn't paid for that work, but he certainly is a consultant. If that individual has a problem with the work that Phil Dewan was doing on behalf of parents from Huronia, I want him to say that too, because those are the kinds of people I am proud to meet with.

The people who come to see me, the individuals I would step forward to talk to about what we have as policy as a government—I am proud, because I can tell you, for 10 years nobody wanted to talk about social services in this province. The people who were affiliated with my ministry were used as punching bags for the last 10 years. That has changed under Dalton McGuinty, and we will continue to change that.

Mr. Hampton: More bluster from a cabinet minister who's trying to explain away a \$550-a-head lobbyist session.

My question was to the Premier. It was about Warren Kinsella. You see, there's a remarkable string of coincidences with Mr. Kinsella. Mr. Kinsella is a staunch opponent of Paul Martin—just like you, apparently. He was your most prominent campaign insider and is now your backroom fixer. In fact, he is so close to you that even as

a paid lobbyist he got invited to, and attended, your cabinet meeting on March 23. Then, days later, on April 5, you get on the phone with Stephen Harper. The very next day, Mr. Kinsella attends a secret meeting with Mr. Harper's senior strategist. Premier, can you explain Mr. Kinsella's role in your family feud with Paul Martin?

Hon. Ms. Pupatello: I'd like to refer that to the Premier, please.

Hon. Mr. McGuinty: This is what you call a desperate attempt to pursue a story that was written this morning, to try to get in on that story. The meeting to which the leader of the NDP makes reference was attended by Mr. Kinsella on his own behalf without purporting to represent me, our government or my party. Of course, he's free to engage in those kinds of things.

I'm glad the leader of the NDP has raised the issue of the \$23-billion gap, because I know that's what the people of Ontario are very concerned about. In particular, I know that the leader of the NDP will want to again take the opportunity in a supplementary to lend his support, together with his federal colleague Jack Layton. I was pleased to receive that support. I was pleased to receive the support of Mr. Harper, as I was of Mr. Tory on this issue. We will continue to maintain this campaign on behalf of the people of Ontario to ensure that this matter can be effectively and fairly addressed by the federal government.

1430

Mr. Hampton: Premier, New Democrats don't blame you for your conspiring against Paul Martin and the federal Liberals—another Liberal government that doesn't keep its promise. As I say, we know how effective Mr. Kinsella is as a high-priced lobbyist and backroom fixer, but I think you have to be straight with the people of Ontario. There's a remarkable follow-on of coincidences here. Mr. Kinsella comes to the cabinet meeting—very unusual for a high-priced, backroom lobbyist to come to a cabinet meeting. Days later, you get on the phone with Stephen Harper. The day following, Mr. Kinsella holds a secret meeting with Mr. Harper's special adviser.

I'm just asking you to be open with the people of Ontario. Is—

Interjections.

The Speaker: Order.

Leader of the third party.

Mr. Hampton: Premier, I think you need to be straight with the people of Ontario. Is Mr. Kinsella leading your charge to bring down Paul Martin, and if he is, who is paying the tab for this very high-priced lobbyist and backroom fixer?

Hon. Mr. McGuinty: The leader of the NDP asked me to be straight with Ontarians. I don't know how he can ask that kind of question with a straight face.

Notwithstanding—I'll give him the benefit of the doubt—the failed attempt at humour in this matter, this is a serious issue. We're talking about a \$23-billion gap that 10 years ago was \$2 billion. We think it's important that we continue to reach out to everybody on Parliament

Hill. We have had a good reception from the federal NDP and from the federal Conservatives. We're now working actively with the federal government, and, notwithstanding the leader of the NDP's desire to find ghosts behind every corner, we have been very transparent and very active.

There is one matter I'm sure the leader of the NDP would like to have drawn to his attention, because he made reference earlier to the lobbyist Leonard Domino and Associates. I think he would be interested in learning that if you go to that lobbyist's Web site today, you will find a link to the NDP.

HURONIA REGIONAL CENTRE

Mr. Garfield Dunlop (Simcoe North): My question today is for the Minister of Community and Social Services. Minister and members of this House, today we have present in the Speaker's gallery four residents from Huronia Regional Centre in Orillia. They're here with their attendants. Their names are David Rodgers, Carey Buss, Wendy Sayer and Pip Bruce-Robertson. They have resided at the facility for a combined total of 170 years.

Minister Papatello, you and your government have decided to close HRC, very clearly without any kind of plan. How can you and your government even consider closing HRC when you haven't even met with the residents to determine their needs? You have yet to even lay out a detailed plan that will assure family members who are here today that their loved ones will be cared for in the same manner as they have become accustomed to at Huronia Regional Centre.

Interruption.

The Speaker (Hon. Alvin Curling): Order. Let's just sit down. Thank you.

Hon. Sandra Papatello (Minister of Community and Social Services, minister responsible for women's issues): Can I say on behalf of every member of this House how pleased we are to see individuals who live at Huronia here at Queen's Park today. We applaud you. We thank you for coming here today.

They may also know that both my parliamentary assistant, Ernie Parsons, who is with them in the House today, as well as myself have tried valiantly, despite quarantines because of the flu, to actually be on-site at Huronia. That has hobbled us twice in our efforts to get there. We have had an opportunity to speak to parents. We will continue to do that. We would like to speak to every single parent, because what we're committed to do in this House, on behalf of every government that has been the government since the mid-1980s that enacted a plan that would close the institutions—where we have moved from having 16 institutions in Ontario for people with developmental disabilities to three. We have announced the closure of those three. There are still 1,000 people living there. We understand what the challenges and the fears are, and I appreciate the opportunity to see face-to-face and continue to strive to meet those challenges and fears.

I look forward to the next question.

Mr. Dunlop: I guess that's why we don't call this "answer period."

I want to congratulate the minister, first of all, on her JobsNow project that she announced today. That will really help the 2,100 people from the Ontario public service whom you're putting out of work with this decision. At a time when Community Living in Ontario says they have a crisis on hand because of a 25% turnover of staff due to your underfunding and do not have enough funds to offer space to those on other waiting lists, you have made a decision, again without any plan, to close HRC, Rideau Regional Centre and Southwestern Regional Centre and add 1,000 of the most profoundly disabled people to those lists. When will the families and residents actually see a plan to offer the same level of care and medical attention that they receive today at HRC? I'm talking about a plan. When will you start to consult with those who actually care about these people?

Minister, I know you say you've tried to make it up there a couple of times, but the bottom line is that you've got lots of time to make it to your fancy casino announcements and whatever \$550-a-plate you were at recently, but you haven't had the courtesy to come to the Huronia Regional Centre and meet, as the landlord and as the person responsible for these people—

The Speaker: Thank you.

Hon. Ms. Papatello: There are some things within my ministry and across the government that are completely non-partisan, and this is one of them. When this member stands to ask a question, I remind him that he was part of a government, over the last eight years before we became the government, that continued with this plan to close facilities. Your government never wavered. Your government continued to close institutions, because in 1980 we understood that it was the right thing to do, that we wanted to see people in our community, as we have people in our House today, being in the community. I'd also like to know if this is the same MPP who has met on more than one occasion with the Minister of Training, Colleges and Universities, who is now speaking about the "What next?" plan, the potential of a university on the site of Huronia. I will also tell him that those people who have worked diligently with us in this ministry, the people who work in the institutions, are important to us. We have met with them and we continue to meet.

AUTISM SERVICES

Mr. Peter Kormos (Niagara Centre): I have a question for the Attorney General. The thirty-five-year old Hasit Khagram has autism. For four years now he's been kept in solitary confinement, in a unit that has windows that don't open, where he is not allowed outside because the fencing is inadequate, and where, if there is an effort to bring in fresh air by opening that exterior door, it's soon frustrated as hordes of flies are attracted by the feces which are an inevitable part of Mr. Khagram's presence in the unit because he is incontinent. Two one-hour visits per week with his mother and father

are all he is permitted. Why? And how can that be allowed to happen in this province of Ontario in the 21st century?

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): You started it by making reference to an autistic individual; you made reference as well to a unit. I wish the member would provide me with more information so I'll be able to better answer his question. If there something we can do, we will do it.

Mr. Kormos: Attorney General, Mr. Khagram is your ward. He is in the guardianship of the Office of the Public Guardian and Trustee, which put him in this facility and approved this so-called treatment plan which, as psychiatrist Dr. Max Wheeler notes, has led to his deteriorated condition. "I am appalled by the fact that Hasit has had essentially no human physical contact in four years.... Hasit's so-called family visits through Plexiglas.

"It is my professional opinion [that] isolation has led to deterioration in his behaviour socially. I feel very strongly that Hasit's social isolation should not continue one more day."

The imposition of his solitary confinement at Bethesda Home in St. Catharines is a direct result of the directions given by your Office of the Public Guardian and Trustee. Will you meet with Hasit's mother and stepfather, Dr. Shah, to discuss the options they have to restore health to their son and in fact save his life and his humanity from these degrading conditions?

Hon. Mr. Bryant: I don't see why it would be inappropriate for me to do so. Unless there's some matter involving litigation, the answer is yes.

1440

EMPLOYMENT SUPPORTS

Ms. Jennifer F. Mossop (Stoney Creek): My question is for the Minister of Community and Social Services. As we heard earlier in the House this morning, you announced a new employment supports initiative called JobsNow. I am pleased to say that one of the pilot sites is in Hamilton, so that should be of benefit to some of the residents of my riding.

We know that the government is working hard to restore integrity to Ontario's social assistance program, and you've cited several examples: streamlining administration, improving accountability, and, for the first time in 11 very long years, there is an increase in assistance.

I know that in my riding, there are people who are on welfare and don't want to be. They want to get a job, but the journey is long and a difficult one. How is JobsNow going to help them make that long-term change from welfare to the workforce?

Hon. Sandra Pupatello (Minister of Community and Social Services, minister responsible for women's issues): I applaud the member from Stoney Creek, who really took on this project. The fact is that JobsNow is being launched in Hamilton as one of six pilot sites,

along with Ottawa, Nipissing, Peel region, Durham region and Windsor. I'm very pleased to see the kind of support we've had in the Hamilton area.

The difference is this: Our current employment support programs last for six months. Our research tells us that we've got to get people into that job and retaining that job past the 12-month mark. What we've organized with JobsNow through WCG International—yes, a company that has had success in another province—which we went searching for to bring to Ontario, may I add.

We know that long-term support is the key. Most people, if they hit that first crisis in a new job position, end up finding themselves back on welfare. The key is that the supports continue for 18 months. That is what we believe will be the key to people in Hamilton and beyond having success at finding and retaining work.

Ms. Mossop: There are employment supports and social assistance already in place, but we did hear from your parliamentary assistant, my colleague Deb Matthews, in her report that there were some concerns about the work-for-welfare program that we inherited from the previous government. I need to know how JobsNow is going to improve on the areas that were left behind.

Hon. Ms. Pupatello: I can tell you that this member, because of the work we did in our caucus, understood the dismay we had when we realized that Ontario Works was not about working. As a matter of fact, only 13% of all people on welfare have any earnings whatsoever. It really was a public relations sham so that the public would believe that workfare was somehow about working. It wasn't.

What we are doing is moving from working for welfare to working for a living. What we are determined to do is prove that what was essentially missing was matching: finding the job and matching that job to the people on our rolls who want to work. I know that the member from Stoney Creek understands as well that the Dalton McGuinty government has a new attitude—far different from the last government's, I'll say. We expect dignity and fairness for people who are on welfare. We know that they want a job, and it's up to us to do what we need to do and be as creative as we need to be to find people work in this province.

RECYCLING PLANT

Mrs. Julia Munro (York North): My question is to the Minister of the Environment. Noxious odours from the Halton recycling plant in Newmarket are adversely affecting the health and quality of life of residents and working people in my riding. Local families have lost the enjoyment of their properties for themselves and their children. They face threats to their health and well-being and risk a decline in the value of their homes. The main RCMP detachment and other workers in the area are also being affected by the odours that are making their working conditions intolerable. Minister, what are you going to do about this serious situation?

Hon. Leona Dombrowsky (Minister of the Environment): The Ministry of the Environment received a request from the mayor of Newmarket, and ministry staff did have an opportunity to meet with representatives of the town council on April 12. At that meeting, the ministry did commit to the following: a non-standard procedure with the Spills Action Centre, which will result in the dispatch of the environmental response person, will be put in place; we will enhance response by ministry staff when we receive complaints from people in that community; there was also a request for the trace atmospheric gas analyzer, our TAGA unit, a portable air monitor that will serve this particular situation; there will be regular attendance by ministry district staff on a liaison committee that has been established as a result of this particular circumstance; and the ministry will update staff at future council meetings about the progress on this particular issue.

Mrs. Munro: I've met with many constituents, and they are very concerned about the need for immediate action. I spoke to them after the April 12 meeting. Their concern is that they're not seeing the kind of progress they believe the ministry should undertake, so of course they are looking for answers. Among those is the concern about whether this plant can in fact meet the kinds of demands that are necessary. Minister, when are you going to consider closing the plant?

Hon. Mrs. Dombrowsky: In fairness, I think it's appropriate that the ministry work with the owner of the facility to see what can be done to mitigate these very serious issues. The ministry has also committed to working with the community liaison committee so that they have a person they can contact with whom to share their concerns. As a result of the communication that has already taken place, they have directed the company to remove wood waste from outdoor storage, repair the biofilter at the facility, complete permanent enclosure for the vertical composting units, and submit outstanding reports required by the certificate of approval. I think it's appropriate, when dealing with these sorts of issues, that we take a progressive approach, deal with the concerns that have come from people in the community, and work with the company to see how they can be mitigated reasonably and to the satisfaction of people in the area.

AFFORDABLE HOUSING

Mr. Michael Prue (Beaches-East York): My question is to the Minister of Public Infrastructure Renewal. Last week, the Canadian Centre for Policy Alternatives outlined an alternative budget that would address your social deficit in Ontario. They provided your government with sound ideas to fulfill your election promise to build thousands of affordable housing units, including 6,600 units of supportive housing that you and your government promised to groups like the Dream Team. The Dream Team came here today to find out exactly what you're doing.

You can't be proud of your plan to provide a measly 935 units of affordable rental housing in Toronto when

73,000 people sit on the social housing waiting list. You can't be proud of a couple of hundred condominiums that you promised to build as an answer to the crisis.

Minister, the Centre for Policy Alternatives has an idea. Will you pony up the provincial share, provide rent supplements and supportive housing, and build the affordable rental stock that this province needs and not the condominiums you're promising?

Hon. David Caplan (Minister of Public Infrastructure Renewal): I would certainly agree with the member if the facts he presented are correct.

Eight billion dollars in new taxes is not innovative or creative in any way. In fact, we've had other individuals talk about our record on delivering affordable housing; for example, Heather DeBruyn, executive director of the Elgin branch of the Canadian Mental Health Association. I quote: "These new dollars will allow us to reduce our waiting lists for affordable housing as well as provide support within our community."

That's in addition to the over 3,600 units of affordable housing that we have announced, that we are funding and that we have made groundbreakings on. It is by far the single largest affordable housing expansion in a decade, and I am incredibly proud of it.

In the supplementary I will outline in detail for the member opposite the very exciting things that are happening in this province from one end to the other.

1450

Mr. Prue: Perhaps in the supplementary, you can talk about the 18 units you've so far built. Minister, you're not answering my question, and I can't believe you're trying to fool us again with believing your claims of millions being poured into affordable housing. If that were true, you wouldn't have had the people from ISARC here last week telling you that you're not building any; you wouldn't have had the Dream Team come here today to say that there is no supportive housing for them. They came here and handed over 4,000 cards like these to Minister Smitherman. I don't know what's going to happen to those cards, but certainly there was no promise to them from that minister that anything was going to be done for them.

I'm asking you again—and the question is clear: Will your government's next budget make housing Ontario's homeless a priority by putting shovels in the ground and not simply making promise after promise that is never kept and never met?

Hon. Mr. Caplan: I'm delighted to contrast the approach that our government has taken, as far as community mental health and affordable housing, with the cuts to community mental health that your government imposed when you were in government. I think, frankly, that Heather DeBruyn, the executive director of the Elgin branch of the Canadian Mental Health Association, is far more credible than the member opposite.

The member attended a groundbreaking ceremony in Scarborough with us on hundreds of units, so I don't think the member has much credibility. In fact, I have read the list of affordable housing: over \$75 million this

year alone in our budget and another \$85 million; 3,600 units of new, affordable housing—no thanks to the members opposite, I must say, but all thanks to Dalton McGuinty and to the resolve of this government to get on with the job—

The Speaker (Hon. Alvin Curling): Thank you.

Hon. Mr. Caplan: We owe this member no apology. In fact, if he really cared, he'd be helping us to deliver even more.

MUNICIPAL FINANCES

Mr. John Wilkinson (Perth-Middlesex): My question is for the Minister of Finance. Minister, yesterday in this House, some members of the Tory party claimed that the McGuinty government was cutting funding to municipalities by \$47 million.

Now, we both know that the Tory party accusing anyone else of giving municipalities the short end of the stick is nothing more than the pot calling the kettle black. We also both know that Roger Anderson, president of the Association of Municipalities of Ontario, said, "This reconciliation announcement shows that the Premier is listening to municipalities. The province's decision to pay money owed to municipalities for 2003 and 2004 is good news for property taxpayers all over Ontario."

Perhaps, Minister, you could take a minute and explain to Messrs. Tory and Flaherty and Hudak exactly how wrong they really are on this one.

Hon. Greg Sorbara (Minister of Finance): I appreciate the question from my friend from Perth-Middlesex. I think what we need to remember is what dilemma we were trying to fix with the new partnership funding.

First of all, we were trying to repair the damage done primarily by downloading under the previous administration. If you look up "downloading" in the Canadian political dictionary, you will see the definition goes something like this: "The act of offloading the cost of services to a lower level of government, primarily practised by the Harris-Eves government, 1995-2003." It's right there in the dictionary.

The new partnership program is a key component of restoring equitable funding for public services in municipalities right across the province.

Mr. Wilkinson: Minister, as you know, I represent the riding of Perth-Middlesex, which includes my hometown of Stratford. The Tories had the nerve to get up yesterday and say that Stratford would go from \$2.8 million in funding last year to nothing this year. At the very least, their math is questionable. That's something unparliamentary. I have actually asked whether Mr. Tory checks to make sure that his little, tiny Tory researchers have actually passed grade 8 math.

Again, Minister, you and I know that Stratford got \$2.3 million last year and will get the same amount this year, as well as almost \$1.2 million in one-time transitional funding. On top of this, Stratford will benefit from the gas tax, as well as the uploading of public health costs. Both of these sources of funding will increase in

the future, and this does not include the very welcome \$90,000 given to Stratford for fire equipment and training.

My question is this, Minister: Can you fill the Tories in on why this makes them nothing more than the pot calling the kettle black?

Hon. Mr. Sorbara: The very short answer to my friend from Perth-Middlesex is, no, I can't. The Tories will absolutely refuse to understand what is going on in the new Ontario municipal partnership fund. They refuse to understand it because systematically, over the course of eight and a half years, they downloaded the costs of public services to local governments. Since we have been elected we have legislated the provision of two cents per litre in gas tax to help municipalities with public transit. We are taking on more of the costs of public health. We are helping fire departments all over the province with the training necessary to make sure they have state-of-the-art facilities. I want to assure you that every single one of us is going to be going to the Stratford Festival when it opens later on this month.

Mr. Garfield Dunlop (Simcoe North): On a point of order, Mr. Speaker: I had a difficult time hearing the response of the Minister of Community and Social Services.

Interjections.

The Speaker (Hon. Alvin Curling): I would like to hear the point of order.

Mr. Dunlop: I had a difficult time hearing her response, but I understand she insinuated that I was in support of the closure of the Huronia Regional Centre. That facility takes up 13 acres of—

The Speaker: Order.

Interjections.

The Speaker: You raised a point of order. You want me to rule on it, don't you? It is not a point of order.

OAKVILLE HOSPITAL

Mr. Ted Chudleigh (Halton): My question is for the Premier. On April 5, 2005, the Oakville town council sent you a resolution asking you to give priority to the construction of a new hospital, which has become necessary because of growth. They desperately need this new facility. At the same time, your Places to Grow legislation will, if passed, force Oakville's continued rapid growth, already one of the fastest-growing communities in Canada. On the one hand, you are withholding infrastructure growth in the form of a hospital; on the other hand, you are forcing more residential growth in Oakville. Premier, does your left hand know what your right hand is doing?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): The Minister for Public Infrastructure Renewal.

Hon. David Caplan (Minister of Public Infrastructure Renewal): First of all, in accordance with the town of Oakville, we have designated midtown Oakville as the centre for what we call an urban growth centre, which would be a site for more intense services. In fact, Oak-

ville's own official plan calls for significant growth. We've worked with the regional planning commissioners in Halton region. They agree with the figures we have come up with, which are publicly posted on our Web site at PIR—I hope the member will take a look at it—as far as household, employment and population distribution are concerned. So we are completely in accordance with Oakville.

Regarding the hospital site, you should not be lecturing anybody here. Your government left a complete mess as far as hospital capital goes in this province. You went out and made cheque presentations to hospital community after community, without any money to pay for it. We are cleaning up the mess that this member and his government left, and we will do so as quickly as we possibly can, complicated by the fact that you left us—

The Speaker (Hon. Alvin Curling): Thank you. Supplementary?

Mr. Chudleigh: It's always nice to hear the bluster from the minister.

I point out that the land available for this hospital was transferred from Management Board to the town of Oakville, or was almost transferred. Not a thing has happened in the past two years under your administration. This hospital had proceeded down the road to where it was about a year and half away from construction, and since your election to government in 2003 nothing has happened for the progress of that hospital.

It sounds like Oakville is not going to get their hospital, but they're going to continue to have that high growth. The people of Oakville have a severe gap between their rapid growth and their lack of medical facilities. Are you going to redress that?

1500

Hon. Mr. Caplan: I can inform the member that in fact this government did transfer to the town of Oakville a 50-acre parcel of land for the construction of a new hospital.

I can tell you that we are working as fast as we can to remediate the mess that your government left in relation to health care. You were very quick to close hospitals but you weren't very quick to invest in them. You were very fast to make cheque presentations but you weren't very fast to make sure the money was in the bank. I've got to tell you, with 1.7 billion new hospital dollars—\$700 million more than your government had in place in your infamous Magna budget—our government has done considerably more than you even dreamed of.

I think the member should get a reality check. The lands have been transferred. We're dealing with the backlog. We're dealing with the chronic funding problems that this member and his government left. It's a much brighter future for Oakville and for all communities across Ontario because of the actions of this Premier and this government.

SEXUAL REASSIGNMENT SURGERY

Ms. Marilyn Churley (Toronto-Danforth): My question is for the Premier. The Ontario Human Rights

Tribunal's hearing on transsexual people's right to sex reassignment surgery has just concluded. Your government forced this hearing because your Minister of Health broke his promise to the community to restore funding for the medical procedure last spring, a decision that puts into question your government's commitment to fight for the rights of individuals who face extreme discrimination on a daily basis.

Members of the transsexual community are here today. They want to know where you stand. Premier, do you view sex reassignment surgery as a medically necessary procedure?

Hon. Dalton McGuinty (Premier, Minister of Intergovernmental Affairs): To the Attorney General.

Hon. Michael Bryant (Attorney General, minister responsible for native affairs, minister responsible for democratic renewal): I thank the member for her question. I hope it's fair to say that on the issue of discrimination and equality, the member and I agree more than disagree on issues. This is a particularly difficult one.

The member said in her press release that sex reassignment surgery "is not a casual decision for either the individual or the health care team involved," and I agree. I respect and acknowledge that. The issue that's before the tribunal is what OHIP will cover and what it will not cover. The submissions have been made before the tribunal, and it is now almost complete. We'll let the tribunal do their work and then take a good look at the decision.

Ms. Churley: Premier, when the Tories cut funding, transsexual individuals lost access to health care that had been recognized as a medical procedure in Ontario since 1969 and continues to be funded in other provinces such as Alberta, BC etc. The impact of that decision has been particularly devastating for individuals who were undergoing related procedures at the time. Their lives have been in limbo ever since.

Martine Stonehouse, one of these individuals, is here today. She has expressly written to you, Premier, calling on you to recognize that sex reassignment surgery is a medically necessary procedure and is not a casual decision made by individuals and the health care professionals involved. I will send over a copy of her third letter to you.

I ask you, if the tribunal rules in favour of reinstating funding, will you ensure that your government respects the ruling and reinstate the funding immediately after that ruling?

Hon. Mr. Bryant: I refer the supplementary to the Premier.

Hon. Mr. McGuinty: I want to be very, very direct to the member's question: Yes.

ENVIRONMENTAL PROTECTION

Mrs. Maria Van Bommel (Lambton-Kent-Middlesex): My question is for the Minister of the Environment. On April 12 of this year, your ministry's environmental SWAT team issued provincial officer orders to three

industrial facilities in the Sarnia area. As the member for Lambton–Kent–Middlesex, I recall that in early 2004 this government sent the environmental SWAT teams into the Sarnia area to inspect industrial facilities after we had a series of spills into the St. Clair River that impacted on many of my constituents.

Minister, my constituents would like to know if these latest orders bring to an end the inspections initiative, and could you update the members of this assembly, my constituents and the people of Ontario on the results of those inspections?

Hon. Leona Dombrowsky (Minister of the Environment): Yes; in fact, it did take almost a year for the SWAT team to complete its assignment in the Sarnia area. They inspected 34 industrial facilities, and 32 of those facilities have been issued provincial officers' orders. These orders require facilities to address concerns like spill containment, the storage of chemicals, controlling air emissions, waste management practices, equipment calibration and the maintenance of their records.

Also, SWAT team officers will periodically visit those facilities in the Sarnia area that have been served orders to ensure that the company is following up on the orders that were issued. Staff at the ministry office in Sarnia will, as well, work with our industry partners to assist them to achieve what we expect of them through their certificates of approval.

Mrs. Van Bommel: I know that people in the down-river communities, such as Wallaceburg and Walpole Island, as well as the citizens of Sarnia–Lambton are pleased that the government has taken this definitive action.

Minister, moving forward from this point, what more will this government be doing to ensure that the environment and human health are better protected from spills from industrial facilities in the Sarnia area and, for that matter, all across Ontario?

Hon. Mrs. Dombrowsky: I'd like to take this opportunity to thank the honourable member for the good work she provided to the province as a member of the industrial pollution action team, which I established to provide the government—

Applause.

Hon. Mrs. Dombrowsky: She did a fine job. That team has provided the government with recommendations that focus particularly on the health and well-being of people not only in that community but across Ontario.

I'm very happy to say that we are looking at those recommendations to develop a plan that will shift the focus from just managing spills to preventing spills. A couple of things have happened to date: Number one, our government was instrumental in having the federal government remove that ability for companies to deduct fines for such events from their income tax. The second very significant item is that this government has introduced Bill 133, which is a penalties legislation that, if passed, will ensure that companies will have spills prevention plans in place.

VISITORS

The Speaker (Hon. Alvin Curling): We have with us in the Speaker's gallery two members of the Legislative Assembly of New South Wales, Australia. They are Mr. Allan Shearan and Mr. Russell Turner. Please join me in welcoming them to the Legislature.

Mr. Mike Colle (Eglinton–Lawrence): On a point of order, Mr. Speaker: I'd also mention that Mr. Paul Nanoff, the father of page Alexandre Nanoff from Eglinton–Lawrence, is here. I'd like to welcome him to the gallery.

PETITIONS

ONTARIO DRUG BENEFIT PROGRAM

Mr. Gerry Martiniuk (Cambridge): I have a petition signed by the good citizens of Cambridge directed to the Parliament of Ontario that's headed "Preserve Our Seniors Drug Plan":

"Whereas the McGuinty Liberal government is considering cutting and diminishing the present program of necessary prescription drugs for Ontario seniors; and

"Whereas Ontario's seniors are presently struggling to maintain their health and homes against cost-of-living increases, including Ontario's new health tax, Ontario's increased hydro rates, increased municipal taxes and gasoline prices;

"We, the undersigned, hereby petition the Parliament of Ontario as follows:

"That the McGuinty Liberal government of Ontario maintain the present program of providing prescription drugs for seniors."

I sign this on behalf of the citizens.

SEXUAL REASSIGNMENT SURGERY

Ms. Marilyn Churley (Toronto–Danforth): I have a short petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the previous government removed OHIP funding for sexual reassignment surgery on October 1, 1998, without consultation with medical professionals or the trans-gendered community;

"Whereas Ontario is one of the only provinces in Canada that does not fund SRS;

"Whereas transsexual people in Ontario have the right to equality in health care;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Reinstate OHIP funding for sexual reassignment surgery for transsexual individuals."

I will sign this petition, and I will also be delivering all these cards from the community, calling on the government to reinstate funding, to the Premier.

1510

WEARING OF HELMETS

Mrs. Carol Mitchell (Huron—Bruce): I'm pleased to present this petition:

"Whereas each year tragedy strikes cyclists, in-line skaters, skateboarders etc. who are involved in collisions on our roadways;

"Whereas many of these involve injury to the head;

"Whereas the cost of treating an individual with a severe head injury can be \$4 million to \$9 million over the course of their lifetime;

"Whereas wearing a certified helmet can prevent 85% of head injuries;

"We, the undersigned, petition the Legislative Assembly to swiftly pass Bill 129 and make it mandatory for all individuals to wear a certified helmet when cycling, in-line skating, skateboarding or using any other type of muscular-powered vehicle on Ontario's roadways."

I'm pleased to affix my signature to this petition.

WATERLOO—WELLINGTON
TRANSPORTATION ACTION PLAN

Mr. Ted Arnott (Waterloo—Wellington): My petition is to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the residents of Waterloo—Wellington need and deserve excellent roads and highways for their safe travel; and

"Whereas good transportation links are vital to the strength of our local economy, supporting job creation through the efficient delivery of our products to the North American marketplace; and

"Whereas transit services are essential to managing the future growth of our urban communities and have a relatively minimal impact on our natural environment; and

"Whereas Waterloo—Wellington MPP Ted Arnott has asked all municipalities in Waterloo—Wellington to provide him with their top transportation priorities for the next five years and beyond, all of them responded, and their recommendations form the Waterloo—Wellington transportation action plan; and

"Whereas former Transportation Minister Frank Klees responded quickly to MPP Ted Arnott's request for a meeting with the councillors and staff of Waterloo—Wellington's municipalities and listened to their recommendations; and

"Whereas the Waterloo—Wellington transportation action plan contains over 40 recommendations provided to MPP Ted Arnott by municipalities, and there is recurrent support for implementing the corridor study of Highway 7/8 between Kitchener and Stratford, a new four-lane Highway 7 from Kitchener to Guelph, assistance for Wellington county to rebuild Highway 24 from Guelph to Cambridge, a repaired and upgraded Highway 6 from Fergus to Mount Forest, Waterloo region's light

rail transit initiative, OSTAR funding for transportation-related projects and other projects;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the provincial government support Ted Arnott's Waterloo—Wellington transportation action plan and initiate the necessary studies and/or construction of the projects in it."

SENIOR CITIZENS

Ms. Andrea Horwath (Hamilton East): This is a small petition—not in terms of numbers but in terms of literature—which comes from the people of Hamilton, largely in the lower city, because that's where a great deal of nursing homes are.

"To the Legislative Assembly of Ontario:

"We, the undersigned, petition the Legislative Assembly as follows:

"To immediately commit to action and funding to ensure the rights and protection for our senior citizens living in nursing homes and retirement homes in Ontario."

Mr. Speaker, I present this petition with pride. It will come down by way of Jessica. I thank you very much for the opportunity.

CREDIT VALLEY HOSPITAL

Mr. Bob Delaney (Mississauga West): I'm pleased to present a petition to the Legislative Assembly from Peter and Iris Orphanos and some of their neighbours. It's about improvements to the Credit Valley Hospital, and it reads as follows:

"Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton-Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now and 514 beds by 2016; and

"Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

"Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fundraising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at the Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital are met in a timely and professional manner, to reduce

wait times for patients in the hospital emergency department and to better serve patients in the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite."

I agree with this petition. I thank all the folks on Drenkelly Court for sending it to me, and I'll send it down with Alexandre.

HEALTH CARE FUNDING

The Speaker (Hon. Alvin Curling): The member for Durham.

Mr. John O'Toole (Durham): Thank you very much, Mr. Speaker, for the prompt recognition.

"To the Legislative Assembly of Ontario:

"Whereas the federal Income Tax Act at present has a minimum amount of medical expenses for which a taxpayer is entitled to claim a non-refundable income tax credit;

"Whereas the health and medical expenses of every citizen in the province of Ontario, great or small, affect their overall net income;

"Whereas the Ontario Liberal government moved in their 2004 budget on May 18, 2004, to delist publicly funded medical services such as chiropractic services, optometry examinations and physiotherapy services;

"Therefore, we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the Income Tax Act remove the present minimum amount of medical expenses for which an Ontario taxpayer is entitled to claim a non-refundable income tax credit."

I am pleased to endorse and sign this in support of my riding of Durham.

ANTI-SMOKING LEGISLATION

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas the current government has proposed province-wide legislation that would ban smoking in public places; and

"Whereas the proposed legislation will also prohibit smoking in private, non-profit clubs such as Legion halls, navy clubs and related facilities; and

"Whereas these organizations have elected representatives that determine the rules and regulations that affect the membership of the individual club and facility; and

"Whereas by imposing smoke-free legislation on these clubs disregards the rights of these citizens and the original intentions of these clubs, especially with respect to our veterans;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Legislative Assembly exempt Legion halls, navy clubs and other non-profit, private or veterans' clubs from government smoke-free legislation."

I have signed this petition, and I want to thank Edward Beaven, who is the veterans' services officer of the Royal Canadian Legion, Tottenham, branch 329.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I have a petition to the Ontario Legislative Assembly from Florian and Eunice Bergeron, and it read as follows:

"Whereas there are no established, Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

I agree with this petition. I will affix my signature to it, and I thank Florian and Eunice Bergeron of Crickadorn Court in Meadowvale and all of their neighbours for having signed and sent it to me.

MOTORCYCLE INSURANCE

Mr. Toby Barrett (Haldimand-Norfolk-Brant): This petition is titled "Fix Motorcycle Insurance."

"Whereas responsible motorcyclists have been hit with huge increases in insurance or are being denied coverage; and

"Whereas motorcycle insurance has increased over 40% in the past two years; and

"Whereas sales of motorcycles in Ontario have dropped over 7%; and

"Whereas many businesses and individuals in the motorcycle industry are suffering because of the loss of sales and decreased employment that high insurance rates are causing;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Dalton McGuinty government take steps to make motorcycle insurance more affordable and ensure that motorcyclists are treated fairly and equitably by the insurance industry."

I certainly affix my signature to this petition, and I will let the Speaker know that Friday the 13th is coming up next month.

1520

ONTARIO PHARMACISTS

Mr. John O'Toole (Durham): I appreciate having two petitions in one day.

"To the Legislative Assembly of Ontario:

"Whereas we, the undersigned,

"Share the concern of Ontario pharmacists that the government is considering changes to the drug program that could restrict access to some medications or force patients to pay more for their prescriptions, placing seniors, low-income families and many other Ontarians at risk;

"Recognize that these changes could affect the ability of pharmacists to continue to provide quality programs and services, decreasing Ontario's access to essential health care services; and

"Believe that pharmacists, as advocates for quality patient care, should have a greater role to play in advising the government when it considers changes that will affect the health of Ontarians;

"We hereby petition the government of Ontario:

"To work with Ontario pharmacists to prevent cut-backs to the drug program; and,

"To establish a process that brings pharmacists to the table to provide solutions that will protect patients and strengthen health care for all Ontarians."

I'm pleased, on behalf of the pharmacists of Ontario, the OPA, to sign this and endorse it. I encourage the Minister of Health to follow up on the recommendations.

FREDERICK BANTING HOMESTEAD

Mr. Jim Wilson (Simcoe-Grey): "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead located in the town of New Tecumseth is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth, under the leadership of Mayor Mike MacEachern and former Mayor Larry Keogh, has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture and the Liberal government step in to ensure that the Banting homestead is kept in good repair and preserved for generations to come."

I agree with the petition and have signed it.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): It's my pleasure to rise today to assist my seatmate, Kim Craiton

from Niagara Falls, with this petition forwarded to him from a Niagara area support group. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas there are no established, Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Be it therefore resolved ... that the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

I thank the parents from the Niagara area for sending in this petition. It's my pleasure to sign it and to ask Alex to carry it for me.

ONTARIO FARMERS

Mr. Toby Barrett (Haldimand-Norfolk-Brant):

"Whereas thousands of Ontario farmers and rural Ontarians have been forced to take their concerns directly to Queen's Park due to a lack of response from the Dalton McGuinty government; and

"Whereas the Rural Revolution believes that rural Ontario is in crisis due to lost property rights and a crushing regulatory burden, and ... demonstrating their resolve and determination at Queen's Park ... ;

"Therefore we, the undersigned, ask the Legislative Assembly of Ontario to consider the issue of municipal jurisdiction brought forward by the Rural Revolution's resolutions to respect property and prosperity as follows:

"Resolution number 5: Municipal governments shall be constituted to take control and jurisdiction over matters that pertain to their constituents.

"Resolution number 9: All municipalities forced or coerced with amalgamations shall hold a binding referendum on de-amalgamation at the next general election."

I sign this petition.

ORDERS OF THE DAY

MUNICIPAL AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES MUNICIPALITÉS

Resuming the debate adjourned on April 4, 2005, on the motion for second reading of Bill 92, An Act to amend the Municipal Act, 2001 / Projet de loi 92, Loi modifiant la Loi de 2001 sur les municipalités.

The Acting Speaker (Mr. Ted Arnott): Further debate?

Mr. Michael Prue (Beaches–East York): Mr. Speaker, before I commence my debate, I would like personally to thank you for sitting in that chair today. Members of the Legislature may not be aware, but it is my turn to be there, and since this is the second time that the rotation has come through for my lead, it was not possible to do so without the kind co-operation of the Speaker. So I thank him very much for allowing me to make this speech here today.

This is an issue that, on the face of it, looks kind of simple. On the face of it, it looks like Ontario has signed a memorandum of understanding with the Association of Municipalities of Ontario and everyone is going to feel—it's a feel-good thing, that we're going to consult, we're going to talk to you and we're not going to do anything we shouldn't be doing. Yet, there is so much in this bill that really cries out for answers, that cries out for dealing with municipalities in a different way.

There are two difficulties that we see with this bill at the outset. The first is that it does not cover all the municipalities of Ontario. There are some 465 municipalities in Ontario, and around 410 belong to the Association of Municipalities of Ontario. That leaves out some 50, and chief and, I think, foremost amongst all of those that are not members would have to be the city of Toronto, Ontario's and Canada's largest city, which has chosen for reasons of its own not to belong to AMO.

The second problem we see with it is that AMO is not an elected organization. It is an organization which is sort of an amalgamation, if you want to put it that way, or an association of various municipalities—some very large, some very small—that band together, more in an education capacity than anything else. They pass resolutions—if you've ever been to one of their conferences or conventions, as I'm sure you have—intended to be passed down to other levels of government, primarily this. As to the feelings that the majority of members hold to be true, they are not always united; they are not always unanimous. As any organization that exists can tell you, it does not happen. They purport and, I think attempt, to try very hard to speak for the majority of their members. But it is not a truism to say that this is an organization that is unique and that does not speak for its constituent members on an individual basis. Therefore, if there is a dispute from one town to another, or a dispute within town functionings, then quite simply AMO is not the appropriate authority to speak for them.

We in the New Democratic Party support consultations between municipalities and the province on issues related to their governance. AMO is a good place to start. If you're going to talk in very broad terms about what needs to be done for municipalities in general, then I can't think of a better organization than that one to talk in broad terms of what affects all municipalities. But that isn't the reality of many of the day-to-day consultations with municipalities, which are individualistic. Whether it be the minister talking to the people of Kawartha Lakes about whether or not they can de-amalgamate, whether it's the minister or the finance minister talking to the peo-

ple of Hamilton as to whether they are going to get sufficient monies that they should be getting because of downloaded services, whether it's the minister or the Minister of Finance or the Premier talking to the mayor of Toronto about how much money is needed for the TTC, the majority of, I would put to you, very large-scale operations involving municipalities are done on a one-to-one basis; they are not done through the Association of Municipalities of Ontario.

The province has in the past, at least for the past eight or 10 years, been very good at dumping responsibility and services on to the backs of municipalities without necessary funds to deliver them. This bill that we have here today, Bill 92, talks about the consultation and the negotiation, but sadly—and I understand why—it does not deal with the wherewithal of providing the necessary funds to the municipalities to allow them to be self-sufficient.

1530

We have heard many times in this Legislature, including today in question period, answers from the government, taunting other members in this Legislature, "When are you going to get on board the government's plan to try to wrest some \$23 billion more from the federal government?" The municipalities can ask the same question—I am sure every one of them is asking the same question: "When can we expect the people of Ontario to get on board and in line with the mayors of the various cities and towns in making sure that the cities and towns that produce the wealth in Ontario get their fair share back from the provincial government?"

I cannot speak for all cities and towns, and I don't know how many have done the exercise, but the city of Toronto estimates—using almost identical research and data that the Premier touts in the \$23-billion scenario. They've done their own, which concludes that the people of the city of Toronto give \$11 billion more in taxes and government monies than they get back in services from the province and the federal government. If we have a right in Ontario to say that Confederation is not working—at least in this regard, as far as the people of Ontario go—then I think it behooves us to listen to the municipalities who are saying that the selfsame thing is happening in the relationship between their taxpayers and how much money is flowing or not flowing back from the province and the federal government. In regard to Toronto alone, that is some \$11 billion. If we believe in the justice and the justness of our own cause, we must believe in the justice and the justness of their cause, which is almost identical.

The downloading, as I said, happened for most of the last eight to 10 years. I am not for a moment suggesting that the government opposite is responsible for that. The responsibility lies elsewhere, in a past government or governments. You have inherited what I would suggest to you has been a bit of a mess in terms of the relationship between the cities and towns of Ontario and this province.

If you look for a moment at some of the largest cities in Ontario, those that are over 200,000 people, it's quite a

small list in Ontario. I have the list here of what those largest cities are. There is, of course, Toronto, followed by Ottawa, Mississauga, Hamilton, London, Brampton, Markham and Windsor. All other cities in Ontario are fewer than 200,000 people. We only have eight of them that are large and probably produce a great deal of the wealth of this province.

We see what is happening in these large cities. We see that the city of Toronto had a budget shortfall of \$119 million for this fiscal year, and that the province came along and allowed an increase in business taxes worth \$27 million and an additional \$45 million, leaving a shortfall of some \$47 million, which the taxpayers of the city of Toronto have had to pick up in order to sustain this city. We see that the city of Hamilton had a \$51-million budget shortfall because of downloading this year. After \$15.1 million in provincial funding found its way to that city through the infusion from the government, they are still left with a \$35.9-million shortfall, which undoubtedly will lead and has led to increased taxation.

I have to say, we know that the money was not sufficient. We know that the cities are starting to hurt in some very real ways. This bill will not do what is necessary to redress what has to be the chief problem that cities are facing. This is the reality of municipal governments that exist today, and we have a bill here which purports to try to sit down and talk a little more. But I would suggest that what the cities need, and certainly what the mayors of the cities are telling us they need, are additional powers, including, but not limited to, powers to obtain additional funds, and they need Queen's Park to have a hands-off approach in a lot of areas that, quite frankly, I don't believe serves us any good to get involved in. I'm going to get into that a little later.

The Liberals claim they do things differently from the Conservatives and there is a new municipal partnership fund. We heard a lot about that today in question period. We had a number of questions that were put forward by the official opposition. I believe there was even one small statement contained in a question from the New Democrats here today.

Various cities and municipalities have come forward to say, however, or at least have made public statements to the effect that they are going to be worse off under this program. I heard the finance minister today try to assuage those fears. I heard him saying today that there are plans to make sure that the cities and towns are not going to find themselves with even less money. But I think it's clear for the record, from the statements made by the city of Peterborough, various municipalities in the Niagara region and some in the north, such as the township of Fauquier-Strickland, that they are going to be in much worse circumstances.

In almost every case the municipalities are asking for money, not for dialogue, yet what this bill is going to do is talk about dialogue. With whom is that dialogue going to take place? It is going to take place with the association of municipalities. This is not a government. This is not like the negotiations of the Premier with the Prime

Minister or the Premier and the pseudo-Prime Minister, who wishes he was Prime Minister and who may call and force an election. This is not a government body; it is a group of municipalities that are bound together, and I don't see how the negotiations can possibly take effect.

AMO must represent all municipalities that choose to belong to it, and, as I told you, there are some 410, including some of Canada's and Ontario's largest cities, but the majority of its 400 members are from small-town Ontario. I tried to do some research to find out which was the smallest member of AMO, one that participates, one that sends people to the AMO conference, one that is a fully functioning member, and I think I found it. My apologies if there is a smaller one—

Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): East York.

Mr. Prue: No, the smallest wouldn't be East York. East York was bigger than Pickering, by the way, Mr. Member, and still is. The smallest one I could find was Burpee and Mills township on the island of Manitoulin. It had a population in 2001 of 362 people and a population in 1996 of 368 people. The sad reality is that they've actually lost six people in the five-year period between 1996 and 2001. But in terms of square kilometres, it is a large municipality, covering some 218.49 square kilometres. The Association of Municipalities of Ontario must, under its bylaws and constitution, give the same credibility to the municipality of Burpee and Mills as it does to the city of Toronto, the city of Ottawa, the city of Hamilton, the city of London, the city of Windsor.

This is a difficulty. I don't know how this government can expect to negotiate with AMO, which is a body that cannot make decisions or enforce its rules between municipalities, that tries to do things on consensus when it must deal with some of the very small and rural municipalities, such as the one I've cited, and some very large ones like Hamilton or Ottawa or, formerly, like Toronto.

1540

This bill purports to give powers to facilitate one municipal voice in the memorandum of understanding. I question what the government will do if approached by individual municipalities on issues. You can't send them to AMO, and this seems to me to be at the crux of the problem and the dilemma that this government has had.

I'd like to cite two very clear examples. The first one is what is happening today in the regional municipality of Peel. The minister stood up here last week and announced that he had a new plan for the people of Peel, a plan which has been, I think, severely castigated by the mayor of the city of Brampton.

His plan is to increase the size of the regional municipality of Peel by three members, giving two more members to the constituency in Mississauga and one more member to the constituency in Brampton. This runs diametrically opposed to what his own government study said. It runs diametrically opposed to what Justice Arthurs, I believe his name was, had to say in his ruling. The justice was appointed by the Minister of Finance and brought down a long-awaited report suggesting that it

was Brampton, not Mississauga, that was underrepresented, and suggesting that the solution to the dilemma that Peel was finding itself in was to give five more members to Brampton and one to Mississauga.

The minister chose to ignore that very specific advice, but in doing so and coming up with his own plan, he also ran exactly contrary to what he has said in this particular bill. This particular bill says that there is going to be dialogue and that the dialogue is going to be facilitated through the Association of Municipalities of Ontario. Instead of doing that, the minister has chosen to unilaterally make a decision contrary to the best advice he was given by the learned judge, contrary to the best advice he was given by the municipalities themselves, and contrary, I would suggest, to the way things have been done in Peel and in other regional municipalities for a number of years. Where there have been disputes in the past between one municipality and another, even close municipalities like Mississauga and Brampton and Caledon, this was resolved at the regional government level. There was a committee struck. There was an opportunity for all sides to be heard. The committee was supposed to make a recommendation. The Ontario government was supposed to act on that recommendation. None of this has been done in the case of Peel this time, and Mayor Fennell is understandably quite exercised over what has happened and what continues to happen.

I had a very short conversation with her today, because I was going to be making this speech and I wanted to know precisely what her feeling was. She said that there had been no meeting and continues to be no meeting in the region of Peel. A facilitator was brought in, as I said, named by the Minister of Finance. There was a news blackout imposed so that no one could talk about it until the facilitator's solution was made. Then, when it was introduced and Brampton seemed, for at least an hour or two, to be kind of happy with the results, the next thing she knew, without any consultation whatsoever with the government, and contrary to the best advice she had been given by MPPs on the government side of the House who represent the Brampton area, a decision was unilaterally imposed upon her and the people of Brampton. The minister did not even seem to want to consult with them—the same way, I would suggest, that he did not want to talk to or consult with the people of Kawartha Lakes.

It's all well and good to say that you have a consultation document, and it's all well and good to say that you want to consult with the Association of Municipalities of Ontario, but when it comes right down to dealing with an individual municipality, I'm afraid that just doesn't work. We have the very sad case of the people of Kawartha Lakes, a people who were led to believe by this government and by this minister and by this Premier that there was a real chance that democracy could come alive and work in their municipality. You see, a few years ago, under the previous administration, under the previous government, they were amalgamated against their will, like so many other municipalities. And,

like so many other municipalities, they were very upset at how they were treated. But in a unique turnabout, the then minister who represented that area—I'm trying to think of what his ministry was; it was Minister Hodgson, in any event—negotiated and said that—

Mr. McMeekin: Municipal affairs.

Mr. Prue:—the Minister of Municipal Affairs—he would undo that amalgamation if the people of Kawartha Lakes wanted to undo it. A deal was struck between that Minister of Municipal Affairs, the people of Kawartha Lakes and all sides of this House that if a referendum was held and the majority of people voted to de-amalgamate, knowing full well the costs of the de-amalgamation, the pros and cons of the de-amalgamation, it would be honoured.

Mr. McMeekin: Did they know that?

Mr. Prue: They knew it. They had all of those facts available to them. They knew it, and in the last municipal election they voted—not overwhelmingly, but by majority—to de-amalgamate.

It is a shame what happened to them following that, because this minister, who now purports to want to have a dialogue, refuses to have a dialogue with the people who democratically voted to de-amalgamate their city, one that the majority of them feels does not work in the best interests of the people who live there. They have continued to organize; they have continued to have meetings. They have continued to come up with alternatives, because now the minister says he needs alternatives to de-amalgamation because he doesn't believe that all of the constituent municipalities of that new city are able to function on their very own.

If this is what we can see in this bill, that there will be consultation with municipalities, we can see, in at least two very clear examples, one involving all of the people of the city of Kawartha Lakes, who took the bother and the time to go out and vote and to exercise their democratic franchise, that the minister was not and is not, and this government could care less about consultation with them or what their democratic wishes are.

On the other hand, if we look to the more recent example, that of Peel, and if we see what has happened there, we can see quite clearly that this government did not wish to consult and imposed a person to do a study. When the study came out and the government didn't like what it said, it ignored it and unilaterally imposed its own findings upon the people of that region.

It is no wonder that politicians at the municipal level are skeptical of this bill. Even though the bill purports to do the right things, it quite frankly does not do so. No one will believe that the Association of Municipalities of Ontario is going to have the kind of clout that has been denied to ordinary cities and towns.

The city of Toronto has sent a very clear message about AMO and to AMO. They have decided that AMO does not meet their interests. The 2.5 million people who live in the city of Toronto, in this new megacity of Canada, in this largest and most populous place, have decided that AMO does not work for them. If this

memorandum is signed, how is Toronto going to be dealt with? I think this is a reasonable question, and we have yet to have any reasonable answers to it. Is there going to be a separate deal for Toronto? I would think there would have to be one. But if there is a separate deal for Toronto, surely there would need to be separate deals for some of the other large cities in Ontario.

1550

Surely if there's a separate deal for Toronto, why wouldn't there be a separate deal for Ottawa? Ottawa has 774,072 people. Why wouldn't there be a separate deal for Mississauga? Mississauga has 613,000 people. Why not for Hamilton, at 490,000 people? Or for London, at 336,000 people? I don't know where the list ends there, but it keeps going down. Let me at least mention Brampton again, at 325,000 people and growing, probably as one of Canada's and Ontario's fastest-growing cities.

Toronto has chosen to withdraw. Toronto is now starting to talk to the province about not only going it alone, but they are arguing that their issues are unique and simply cannot be melted down into a composite, as proposed by this bill.

I'd like to turn to a particular section of the bill. If you'll bear with me for a second, I'd like to find it. It is section 3 of schedule C, while I'm looking here. There it is. Section 3 of schedule C talks about Ontario's role. It talks about how Ontario is going to deal with the federal government vis-à-vis its dealings with the cities. I ask the members present to just try to answer the question: How is this going to occur? It says: "Ontario recognizes that funds provided by Canada to Ontario under a program of financial assistance to municipalities should be applied exclusively to that program." So the federal government, as an example, wants to give gas tax—five cents per litre—back to the municipalities, but it is Ontario's role under this to determine how it should be applied exclusively to the program.

We have seen the difficulties that this has encountered. We have seen the petitions in this House over the last couple of weeks, where large municipalities like Toronto are quite clear, possibly like Ottawa and Hamilton, that they can use that money for transit within the municipality. But we have also seen small municipalities and rural municipalities that do not have transit systems or have very rudimentary transit systems say that they would like to use the money instead for roads and for infrastructure, and that they feel very left out as to how that money is going to come about. This is the dilemma, as well, that AMO has. This is the dilemma they have, because they try to speak for all municipalities, and they simply cannot do so.

There is some discussion, because Toronto has chosen—and other large municipalities may choose—to drop out of the Association of Municipalities of Ontario, that the government wants to deal with them independently. There are other groups, of course. There's the Large Urban Mayors' Caucus of Ontario, known as LUMCO; there are groups that meet at the behest of Mayor McCallion in Mississauga. From time to time,

some of the large urban mayors meet from across Canada to discuss issues. But there is no organization that speaks for them, so we can only assume that those municipalities, and especially the large ones, that choose not to participate in AMO are going to have to go it alone. Toronto is seeking its own seat at the table; in fact, I believe that Mayor Miller says that he, and he alone, speaks for the city, and a group like AMO does not.

The government has promised a new City of Toronto Act, which I think should have been introduced simultaneously with this bill. If we are to know how that is going to affect the city of Toronto, we might have a better understanding of how this government's future relations will be with the cities of this province, but they have not done so. The negotiations continue day after day. There's sort of a news blackout. We are not hearing what is actually happening around the negotiation.

One can read the papers, though. You might dismiss as idle speculation what the newspapers are saying is going on inside these closed negotiations: whether or not the city of Toronto is going to have a super-mayor system, whether or not the city of Toronto is going to have a reduction from its 44 members of council or whether there's going to be a board of directors inside the city or not. But I would suggest to you that it's hardly idle speculation to see these musings in the press—if, indeed, they are musings—because what we have seen in the past during the hated amalgamation of the city of Toronto is that these same speculations found their way into the newspapers of the city and then subsequently found themselves on to the provincial Legislature floor in the terms of legislation, because these were trial balloons being floated by the government to see what the reaction of the people was.

The reaction was pretty swift, and it was pretty brutal. People in general did not support the forced amalgamation of their city. In fact, what we're seeing today is that these ideas about changing the City of Toronto Act and giving charter status are contingent somehow upon the city adopting a new electoral system. I think it's so much hokey—I hope that's a parliamentary word, Mr. Speaker—that is being floated around, as if Toronto's problems were somehow related to the fact that members of municipal council can speak up to five minutes on each issue, and that is somehow bringing Toronto into disrespect. That is not the issue. The issue, as I have said before, is that there is not enough money in our municipalities. If the negotiations are to take place, they need to take place between people in positions of power and influence, negotiating back and forth as to how the money is spent, how it is funnelled down or, conversely, how it is funnelled up. We need a charter for the city of Toronto. As a person who has lived within what is now the confines of this city for his entire life, I want to tell you that nothing speaks stronger than the need for this city to go its own way.

But when I say that, I also believe that we are entering a different phase, a different organization. This is not the Canada of 1867, when the Constitution and the British

North America Act were first passed and became the law of the land; when people lived in rural municipalities; when people didn't have much education; where it was impossible to travel back and forth to get to Ottawa or places of governance like Queen's Park; where it quite literally would take a week or two weeks for the member from Timmins or James Bay or Algoma to make his or her way down—I shouldn't say "her," because it was only "him" in those days—to make his way down to Toronto to argue in the Legislature and to bring the thoughts of the people of his region. Those days are gone. We live in an era of technology, where almost every member of this Legislature now has a BlackBerry. I can see that some of them are intent on working on their BlackBerry and passing e-mail messages back and forth with the push of a button. We live in a place where you can pick up the phone. Even if you have to travel, you can travel from the farthest end of this province to Toronto by plane in a few hours.

We have also, at the same time, seen a huge increase in the numbers of people who choose to live in cities. Whereas this was once a place of mines and mills, a place of many farmers, many people who lived off the land in the rural areas, this is increasingly an urban population in this province. This urban population has governance and governance structures that need to change and need to be strengthened.

The day is coming, I would suggest, that this government needs to sit down and grant charter status to our municipalities. That charter status will not involve simple negotiations through a third body like the Association of Municipalities of Ontario, but in fact will be direct and mature negotiations, one partner to another. I believe quite strongly that that is the way it needs to go. The municipalities have suffered for a number of years as downloading has taken its toll.

1600

We have seen that the once mighty city of Toronto—and Metropolitan Toronto—used to be the place people came to from all over the world to study as a form of governance that worked so well. There used to be visitors who came from Africa, Asia and Europe to study how well Toronto worked and how its governance structure was accessible to the people who lived here, how its politicians were plugged in, how its committees worked.

People don't come from all over the world to see how Toronto works today. They may come here for the restaurants, they may come here for the theatre, they may come here for the ambience or the bars or the night life or for 100 things that one can find in Toronto, but they no longer come here to see how this city and its governance work, because quite frankly it is broken. It is broken through the weighted-down problems it has with finance. It is broken because there is not direct dialogue and discussion between the mayor and council of this city and this province. Things have gone very badly askew.

We have a bill here, Bill 92, that is supported in part by people from the Association of Municipalities of Ontario. I don't blame them for supporting this bill and I

don't blame them for saying that this bill is a good thing, because it gives them credibility in the eyes of their members and credibility in terms of themselves to say they are speaking on behalf of the municipalities, even though they don't speak on behalf of all of them, even though they don't speak on behalf of the biggest ones, and even though their consensus decision does not always do the right thing for large municipalities versus small ones, and vice versa, or for those that may be in conflict with each other.

I think this bill does very little. I don't want to say that I wouldn't support it, because I don't think it causes much harm, but the problems of the municipalities of Ontario are much greater than what is going to be remedied by this bill. I would suggest the government needs to do a lot more. To begin to do more:

(1) Do a charter for the larger cities.

(2) Sit down and negotiate with the cities on a mature basis. I would put first and foremost the problem that has developed in Peel, Mississauga, Caledon and Brampton. That is a problem that cannot and should not be resolved by the minister standing up in this House and simply announcing that he is unilaterally taking action, contrary to the wishes of at least two of the member municipalities and contrary to his own government's report.

(3) The minister needs to reverse his position on democracy. It is the people, I believe, who always know best. Whether the government opposite believes that the people of Kawartha Lakes know best or don't know best, they certainly have made a decision that they wish to de-amalgamate. No one questions the decision they made to send a member to this House from Kawartha Lakes, from Haliburton-Brock. No one questions that, but you question their other democratic principles that you agreed to recognize in the beginning. The fundamentals of democracy in the municipalities is the third thing that must be addressed, and the government must reverse itself.

If the government does those three things and then gives sufficient monies and wherewithal for the municipalities to do what they need to do in this downloaded and increasingly technological society, then perhaps this bill would be of some benefit.

The government has gone about it all wrong. Instead of dealing with this at the end, they have put it forward as a panacea. It is hardly a panacea. It is simply another tool that embraces consultation. Consultation does not produce what the cities of Ontario need.

Mr. Speaker, thank you very much again for allowing me the opportunity to make this speech. I promise that after questions and comments I will hasten to the chair.

The Acting Speaker: You're very welcome.

Questions and comments?

Mr. Mario Sergio (York West): I was listening very attentively to the submission by the member from Beaches-East York. Yes, indeed, he does bring quite a few perspectives, if I can call them that. I believe it's due to his long-standing career being associated with municipal politics. You can see that the experience speaks for itself. But let me add this: If we have to look, indeed, at

some of the shortcomings, then no one else, other than the opposition, should insist that this bill proceed to consultation, because only then can we make the bill better. I can appreciate what the member is saying.

Let me say one thing: We have a bill here which is on one page. It's a very short bill; it's one particular clause. It doesn't happen too often, but I would say that if there is a particular bill that should be microwaved, it should be this one here: one clause on one page.

Interjection.

Mr. Sergio: Yes, put it in the microwave, push the button, take it out and it's ready to go; it's done. But we are committed to public consultation. The opposition, I am sure, would like to see consultation on this bill. We have Ontario municipalities that have been asking for that. It was our commitment that we would be doing that, and this is what we are doing. So I would say, for the benefit of all involved, the various municipalities and cities, let's give them that opportunity to go and consult with them.

Mr. Toby Barrett (Haldimand-Norfolk-Brant): The member for Beaches-East York made mention of Kawartha Lakes in his discussion of Bill 92 in the context of a piece of legislation that's actually a law that will require this provincial government to consult with the municipalities. This is demanded of them by the municipalities. Kawartha Lakes is an example of a lack of consultation. The municipality itself consulted with its residents and constituents through a referendum, and this government turned its back on that particular municipality and denied that referendum. I suggest we all stay tuned with respect to the movement for municipal restructuring in Kawartha Lakes, certainly Hamilton and Chatham-Kent.

The member for Beaches-East York made mention of the Ontario municipal partnership fund, a new name—not necessarily a new initiative—for a program presented by this government to replace what was established by the previous PC government: the community reinvestment fund, or CRF. The CRF was established by the previous government to assist municipalities—that was the goal—in funding services through what was referred to as the local services realignment process, which stemmed earlier on from the Who Does What Panel. The evidence is in, recently announced under this newly named Liberal program: 207 municipalities in the province of Ontario will see a reduction in provincial funding to support those very same social services they deal with.

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure, for a couple of reasons, to make some comments on the lead debate by the critic in our party on this particular bill.

One is because I come from the municipal sector. Of course, so does the member from Beaches-East York, having been the mayor of that municipality prior to amalgamation. It was a city of about 114,000, he tells me. Coming from the city of Hamilton, also an amalgamated situation, I can assure you that his comments are not only appropriate but very wise, in particular because he has a

working knowledge of AMO and a working understanding of what's been happening on the municipal scene over the last several years—definitely.

1610

Also, I think his comments reflect the problem with this bill insofar as it purports to be a simple, non-threatening bill that simply talks about consultation, but what it really does is leave out a number of interests, a number of municipalities that have particular issues that are not met or addressed by the AMO body. I think he spent some time talking not only about that, but also about how ironic it is that some of those municipalities are not having a voice—they are in a similar situation as the McGuinty government in its complaints with the federal government—about the lack of funding to municipalities that this government refuses to address. Speaking from my own municipality's perspective, it's chronic underfunding in our budget, chronic underfunding in social housing, chronic underfunding in social assistance, chronic underfunding in infrastructure, chronic underfunding in transit.

Mr. Speaker, I've said it all. Thank you.

The Acting Speaker: Questions and comments? The member for—help me.

Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge): Pickering-Ajax-Uxbridge.

The Acting Speaker: Uxbridge. Thank you.

Mr. Arthurs: It's always a challenge, Mr. Speaker, and I'm going to have fun leaving it to the Speaker to search through the notes on his desk, to check the seating plan and all the stuff that goes with that, but I appreciate that.

The Hamilton member was just making reference to her particular background in municipal government. I look around this chamber—although it's not quite full right now, it's close—and there are a great number of us who come from a municipal background of one sort or another. I think we come here from the municipal sector, having done work in that capacity for a constituency at a local level, and understand that there's also a role we can play in a broader context in establishing policy, or challenging the policy of the government of the day in opposition, as the case might be, but with a clear understanding as well that our role municipally encourages us to work in this environment because we want to keep that bridge. We want a bridge between the provincial activity and the municipal activity.

We understand the need for ongoing consultation and contact with our municipal partners, with our peers in many cases, particularly in this relatively straightforward piece of legislation, to entrench that consultation through an MOU that will enshrine it in legislation, that will say that, by law, we acknowledge and recognize the importance of ongoing consultation and contact, in this instance, primarily with a body that represents the municipal interests of a range of municipalities across the province. Even if not all municipalities are members, it certainly provides the breadth of membership, from the smallest municipalities, as was referenced in the earlier

leadoff speech, to among the largest at this point in time. It's unfortunate, in my view, that the largest municipalities have chosen at this point to remove themselves from AMO, but hopefully that will be corrected in the years ahead.

The Acting Speaker: The member for Beaches–East York has two minutes to reply.

Mr. Prue: I would like to thank the members from York West, Haldimand–Norfolk–Brant, Hamilton East and Pickering–Ajax–Uxbridge for their comments.

To the member from York West, the bill itself is one paragraph. One would not deny that, except that attached to the bill is the memorandum of understanding from the Association of Municipalities of Ontario, and it is some 10 detailed pages. It is these 10 detailed pages from whence my comments came, because the 10 detailed pages deal with a great many areas: the respect for the jurisdiction, the commitment, the consultation, the responsibilities, the protocol, the co-operation, the place that meetings are held, when the memorandum is reviewed, and it goes on and on. That is the true subject, because the bill itself says only that it will be as per the memorandum of understanding.

The member from Haldimand–Norfolk–Brant talked about the people of Kawartha Lakes and their organization, and they are not alone. There are other organizations, including quite an active one in the rural Hamilton area, around Aldershot and Dundas, that I think perhaps the member from that area is quite aware of as well.

The member from Hamilton East raised the irony about the lack of funding, and I don't think that's an irony. That is so well understood by municipal politicians. That is hardly an irony at all. Municipal politicians understand that they have to go, cap in hand, to the province each and every year, whether they come from a small municipality or a large one. There are not sufficient avenues for them to get and to have sufficient monies to look after their people unless they are lucky enough to be living in a growth area where new assessment takes care of that. If they're not, it simply cannot be done.

The member from Pickering–Ajax–Uxbridge too was a mayor, and I agree that general consultations are important. That is the role of AMO, for general consultations, but it is the specific to which I tried to turn and how the specific has failed Toronto and Hamilton, the people of Kawartha Lakes and the people of Peel. That's what needs to be addressed.

The Acting Speaker: Further debate?

Mr. Sergio: I want to give notice to the Speaker that I will be sharing the time allotted to our side with the wonderful member from Ancaster–Dundas–Flamborough–Aldershot, the best riding in all of southwestern Ontario, with the exclusion that some other members may be claiming the same riding.

We only have a few minutes to debate and to add to the debate on Bill 92. At the outset, let me say that Bill 92 was introduced almost a year ago and we're nowhere close to completing the debate, discussions, hearings,

consultation and giving the various municipalities what they were asking for.

June 2004 is when the bill was introduced. What does this particular bill seek to do? It's very simple. It is on one page. It is one clause, which is very explicit and seeks consultation on matters of mutual interest between the province and the various municipalities. You may say, "Why are you debating this if it is so simple, if it's something the various municipalities have been asking for and want?" Well, it is our process, first of all, to go through the normal routine, if you will. As I said before, it's been a year since we introduced the bill. It's gone through first reading, and now we are doing debate on second reading, and hopefully we can have the blessing of members on both sides of the House, saying, "It doesn't take very much to send it to the public out there in the various municipalities. Let's hear what they have to say."

The bill may not be what the opposition wants it to be. But isn't this the reason we are debating? We are saying, "Then let's send it for consultation and let's see what various municipalities have to say." I would hope that during that particular process, which is the only thing the bill is asking for, it will go ahead, and it will have the opposition and various municipalities saying, "Well, it's a good step, it's a good beginning, but we'd like to see something else." That is fine. But let's give the process its quick, expedient time, let's bring it back and then we can deal with it. Why are we doing this? Not only do we have this so-called memorandum of understanding between the province—the government—and the various municipalities; we have this memorandum of understanding between the province and AMO, which is the Association of Municipalities of Ontario. If members of the House say, "Well, you know, the memorandum of understanding does not go far enough, does not contain everything that we would like to see or that the municipalities would like to see," then let me repeat myself: Let's give this speedy passage and go to the various municipalities and to AMO and see what else they would like to see.

Let's not forget that this was one of our commitments during the past election campaign, when municipalities said, "We would like to see some changes." Do we know what some of those changes are? We may have an idea. We all have our own ideas about what some of those changes may be. But are they financial changes, taxation changes, boundary changes, election changes, if you will, composition changes to their own councils? What are those changes? I think we should find out. I think that if we go to the public, we will find out.

1620

Bill 92 does exactly that, nothing more. It says we are going to consult with the municipalities and then bring it back. Our government has taken the lead, giving the municipalities the opportunity to say, "We want to talk. We want to co-operate and see where changes are required and where changes are needed." I have to say that this government has been very friendly to local

municipalities when it came to their request. I have, if you will, to blow our own horn on this side of the House, because we have been so amenable to the requests of local municipalities—especially my own here in Toronto—to the point where our Premier, Mr. McGuinty, has said that maybe we should go one step further and involve the federal government in those areas of mutual responsibility, together with local municipalities. I think it's a great idea.

When there is full co-operation between the municipalities, the province and the federal government, things happen—things happen quicker; things happen better. Do you know what? Ultimately it is the goal of every government—in our case, the province of Ontario and our own municipalities—to seek that particular co-operation, because healthy co-operation provides for a healthy environment in negotiations and the health of the local municipalities and the province. When that happens, we have better communities, have more livable communities, safer communities. I am sure that is the aspiration of every member of this House. It doesn't matter where they come from in Ontario, it doesn't matter what political party, they all want the best for their communities. Who can argue against our constituents' aspirations that they live in harmonious, safer communities? It's our responsibility.

So I say to the members of the House, let's not negate that. As matter of fact, let's work with the government so we can indeed reach that goal, so we can provide more of those amenities for our local municipalities. Why should we go after the federal government? To make it a partner, if you will, in this particular process. I know that in the past we all said, when we were on different sides of the House, "The government says one thing and then they do another." I won't criticize or speak for the former government, but I can speak for this government. We have said that we want to consult local municipalities, we want to give them some of those powers, if you will, and make some of the changes that are better for them and better for us. Because if it's better for the local municipalities, it's better for our people and better for the people of Ontario. Don't we all have one taxpayer? We all do.

We have said that, and we want to maintain that promise. We want to go to the people of Ontario and say that we are here, through the Association of Municipalities of Ontario. Let's see where we can improve so we can do a better job and they can do a better job for the people of those municipalities.

That is my quest, that is my wish, that indeed we can move on. As I said before, it's a very simple bill with a very simple request. I don't want to dwell on some of the actions of past governments when they said, "They have been forcing this on us," even though we said something else. I'm not saying that this government is going to do something different, but let's at least give them a chance and say, "They promised that they are going to hear us, they're going to consult with us. We want to see if, indeed, they will provide something that we require." That's the aim of this bill.

Unless I was wrong, Mr. Speaker, I saw 20 minutes on the board. Am I correct? May I ask, on a point of order, Mr. Speaker, because I think I have taken my—oh, there we go. OK. Is the Clerk playing games with the clock today? Maybe not. I guess they are testing my attention.

Having said that, I know that the next speaker, my colleague from Ancaster—Dundas—Flamborough—Aldershot, a wonderful former mayor, a mature municipal politician, wants to add to the bill, and he will have wonderful information to provide to the members of the House. I am going to end my remarks and pass to my colleague.

Mr. McMeekin: Speaking after my colleague is a little bit like dancing after Baryshnikov.

I believe, like so many others in this place, that it's the steady rain that nurtures, not the flash flood. That's an important perspective that we who have had the privilege of serving in municipal government understand.

I am one who has come from that background, having served as the youngest member of Hamilton city council for two terms when I was in my 20s and then being out of politics for a while and coming back as mayor of town of Flamborough, the only municipality, by the way, in all of Ontario that actually lowered local taxes six years in a row. I have checked that out.

It's important, because the past is really a prologue to our future. If we don't understand our past with the kind of sensitivity that we need, we're often doomed to repeat mistakes. Looking at the not-too-distant past, I can recall the provincial government, the previous government that brought in the Who Does What group, or the who-does-what-to-whom group. Talk about consultation. They went out and got the very best advice that could possibly be purchased. David Crombie chaired that group, as you may recall. It was a wonderfully talented group. They went out and got all this information together, put it into a report and then completely ignored it and made so many of the fundamental changes that have, if the truth be known, been the foundational underpinnings for much of the chaos that the previous government, in fairness, and the current government, have been struggling to correct.

We believe that policy should be directed by reason, supported by principle and designated to serve the greatest good. Understand, Speaker, that there are risks and costs to action, but the cost of action is far less than the risk of comfortable inaction. If we're to starve cynicism and build hope, we need to reflect back on that discussion we had when the Municipal Act was amended when we, then in opposition, spoke profusely about the importance of taking any memorandum of understanding and actually incorporating it into the legislation. We argued then, as I think my colleague appropriately pointed out, that to do anything less than that would be to trivialize the whole concept of dialogue.

1630

We also know that, in order to move ahead, we need to stop being so optophobic. Optophobia—

Mr. Arthurs: What is optophobia?

Mr. McMeekin: Optophobia is the fear of opening one's eyes. We need to understand what Aristotle used to say when—it's a true quote; I'm not making this up.

Mr. Sergio: Was he Greek?

Mr. McMeekin: He was Greek. The late, great Greek, Aristotle, said, "If you want to know if the shoe fits, you're best to ask the person who has to wear it, not the person who made it." Right? That's what consultation, that's what memoradums of understanding, that's what progressive legislation ought to look like in this place. I wonder how many great ideas get lost because we simply don't take the time to do the right thing, to just sit down and say, over a diet Pepsi or whatever, "What is it that's really troubling you? What can we do together? How can we partner? What's our shared sense of purpose? How can we dream and scheme to dare and to care and to share together, to build the kind of strong, healthy, vibrant, caring, compassionate communities that, on a good day, we all claim we want?"

I think a way to move in that direction is in fact by giving some substance, by an outward and visible expression of our desire to work together. I think there's no better way to do that than to fulfill the plea that we made when we were in opposition to roll the memorandum of understanding specifically into legislation. Had that been the case, we might very well have been in a position to more predictably and prudently plan a prelude to some of the issues that have happened.

I remember as mayor—I remember it well—having to cope with the situation where there was talk about amalgamation. Remember that? There was a promise made, and the promise made was that municipalities in Hamilton-Wentworth wouldn't be amalgamated without the consent of the people. I wouldn't be here today, ironically, if it weren't for the forced amalgamation, I suspect. But notwithstanding that historical footnote, that was a commitment that was made. You see, there was no memorandum of understanding, or whatever sense of understanding there was was completely discounted. I can remember the joy in the eyes of some of the municipal affairs bureaucrats when, as the mayor, I pleaded, "Please, please, don't do downloading and amalgamation and market value assessment all at the same time, because no one will know who to blame. No one will be accountable for anything." You know what? You could see the smiles creeping across their faces. That was all they needed to hear: No one would know who to blame.

You know what? We're sticking our necks out. Who is it—the guillotine operators?—who said, "The man who keeps his head when all about him are losing theirs"? We are sticking our necks out—I suspect a little bit like the turtle who moves ahead slowly by sticking his or her neck out—by indicating a willingness to work directly with municipalities. It isn't perfect, but we'll be forged in the fires of that partnership, that dialogue, that understanding, and we'll do that in the context of fulfilling our commitment to enshrine that in legislation, so that it is more easy, more prudent—

Ms. Judy Marsales (Hamilton West): Easier.

Mr. McMeekin: Easier. Thank you, esteemed colleague. It would be easier to prudently and predictably plan the development of the caring communities that we all so desperately want to see in this province. It's time this government recognized it; I think all thoughtful members of this assembly do as well. We're for this. I would humbly urge all members of this Legislative Assembly to embrace this with the passion they might reserve for other kinds of activities.

The Acting Speaker (Mr. Michael Prue): Questions and comments?

Mr. Barrett: The debate this afternoon is on the municipal consultations act. We hear phrases like Who Does What. That is something that has resurfaced under local service realignment and, more recently, the Ontario municipal partnership fund, as far as ensuring an adequate and fair transfer of funding between the two levels of government is concerned.

As I understand it, the expression before was "disentanglement." That was a word that came up under the David Peterson government. They initiated a paper, a disentanglement report. That was a means as well to try to sort out sources of revenue, to sort out expenditures, between the provincial and the municipal levels, whether it be property tax or sales tax, who gets what and who pays for what.

More recently, there was a Who Does What committee. I make mention of this because it was mentioned this afternoon. Much of their goal was to determine how we would take the cost of education off the property tax. That's certainly something I heard a call for from farmers in my area. In previous debate in this Legislature, we have been told that this approach to take the cost of education off land and off property was presented in the Fair Tax Commission, the Royal Commission on Learning and, more recently, as has been mentioned, the Who Does What committee.

Ms. Horwath: Both the member from York West and the member from Ancaster-Dundas-Flamborough-Aldershot characterized this bill in their remarks, perhaps not specifically, as being a rather benign bill, one that merely talks about something as unharmed and non-problematic as consultation. On the surface of it, as you mentioned yourself, Mr. Speaker, in your own remarks earlier in the debate, you would think a one-paragraph bill is rather benign. It only talks about consultation, so that's perhaps benign too.

However, the reality is that the meat of the matter is in the memorandum of understanding. When you look through that, I think you have to recognize particularly who the memorandum is with and who that organization represents. From my perspective, that's what makes this not benign at all. In fact, it makes it quite troublesome.

I'm looking forward to having an opportunity to raise some of those issues and concerns when I take my time later on this afternoon, because what we recognize, what we realize is that it's not a homogeneous situation in Ontario. The Association of Municipalities of Ontario is not an organization that represents the interests, wills,

wishes, desires and realities of every single municipality across Ontario. Why? Not a single organization could ever do that because of the diversity that exists across this province. Cities, towns, rural areas and agricultural communities: All of these things are quite different.

From my perspective, this bill does a lot more than just benignly talk about consultation. It sets up an expectation that simply cannot be fulfilled—not if you're talking about the interests of all municipalities of Ontario. This bill does not accomplish that.

1640

The Acting Speaker: Questions and comments? This is a tough one. The member from Lambton–Kent–Middlesex.

Mrs. Maria Van Bommel (Lambton–Kent–Middlesex): I know my riding has a long riding name and gives difficulty sometimes to the Speaker, so I appreciate your efforts. As a former municipal councillor in that particular riding, I wanted to speak about the way we in small communities and rural communities felt about the way we were treated by the province in former governments. We were defined as creatures of the province. I think we've moved a long way, as a government, away from that particular thing. We've been working hard to build better relationships with our municipalities, and I think it's been a long time since we've done this.

One of the things that have come about out of this memorandum of understanding is the opportunity for the AMO organization, the Association of Municipalities of Ontario, to meet with our government. Those meetings are going on even now. They are not necessarily easy meetings. They are very difficult topics, but the fact is that we are trying to build a relationship with those municipalities. It's very important for municipalities to be able to speak with one voice, and they do that through AMO. AMO is made up of a lot of different organizations as well. One that I was involved in as a municipal councillor for a rural community was ROMA. There is also the Northern Ontario Municipal Association. We have LUMCO; we have OSUM; we have the eastern wardens and the western wardens. All of them give the opportunity to speak with one voice to the provincial government, through the organization of AMO. And the AMO memorandum of understanding is now clearly formalizing that relationship.

The Acting Speaker: Further questions and comments? Seeing none, the member has two minutes in which to respond.

Mr. Sergio: On behalf of my colleague, the wonderful former mayor from Ancaster–Dundas–Flamborough–Aldershot: wonderful comments from him. And the members from Hamilton East, Perth–Middlesex and Haldimand–Norfolk–Brant all made a contribution to the debate here today.

Let me say quickly that sometimes governments are called bullies. I have heard this particular name used in this House, on both sides of House, from time to time. If we are seeking this particular route in dealing with municipalities, it is because this is not our style of gov-

ernment. We kind of made a commitment, not a promise, that we would consult with municipalities on issues of extreme importance to both municipalities and the provincial government. So instead of confrontation, we have chosen the ways of co-operation, and that is the intent.

I want to laud Minister Gerretsen, the Minister of Municipal Affairs, for initiating, for leading, for taking up the role and saying, "There are many things that we have to discuss and debate, so let's consult. Let's get together." We are there. It's only a question of how fast, when we are going to get there, and when we are going to come back in the House. I don't want to dwell on the past, on who did what and when. We've had so many reports that I think now is now. We have to deal with the present. Municipalities are waiting. I'm saying, let's get moving, let's push this, let's approve second reading, and let's continue the consultation.

The Acting Speaker: Further debate?

Mr. Barrett: I do welcome the opportunity for further debate on Bill 92 and the relationship between affairs municipal and consultation and the toing and froing of this particular government. I do wish to present some examples in my speech this afternoon—it does raise the question, and I have some examples, of whether this government truly believes in consultation or really understands what public consultation and the role of citizen participation in our democratic society is.

I would like to quote from the bill to kick off. This is An Act to amend the Municipal Act, and it holds that: "The province of Ontario endorses the principle of ongoing consultation between the province and municipalities in relation to matters of mutual interest and, consistent with this principle, the province shall consult with municipalities in accordance with a memorandum of understanding entered into between the province and the Association of Municipalities of Ontario."

I point out that this initiative was started by Chris Hodgson, a former municipal affairs minister in the previous government. To actually have to create a law at the request of the municipalities to ensure consultation suggests to me somewhat a lack of trust. Perhaps someone doesn't believe this government would actually consult with them, and hence they need a law for what I consider a forced dialogue.

Consultation is really what this amendment to the legislation is about, and it's the true meaning of consultation for this particular government that I would like to address today. While this government goes to great lengths to talk ad nauseam about its commitment to consultation, it runs a bit of a show. You could refer to it as a dog-and-pony show, in one sense. In reality, I'm concerned that this commitment to consultation would be about as thin as the paper it's written on. Real consultation is about giving all affected stakeholders a chance to have a say. Not only that, but real consultation is about listening to those you are consulting with; it's about considering their submissions for future action. This bill appears to further emphasize the Liberal

commitment to consultation, but history shows that this government's idea of consultation is more in the category of show-and-sham politics, if you will. I'm suggesting a modicum of sham and illusion. This is the same government that will again be trumpeting their dedication to the concept of consultation after they push the bill through.

For example, this is a government that cancelled the rural drainage program without any consultation. Then they changed their mind. There was a rural outcry. This government is known to change its mind.

This is the same government that introduced the guilty-until-proven-innocent spills bill legislation. Penalty-driven legislation was brought in without any consultation with those affected, no consultation with the very partners this government was supposed to be working with in the first place to prevent spills.

This is the same government that chose to claw back the CRF funding. CRF, the community reinvestment fund, now known as the Ontario municipal partnership fund, has been talked about considerably this week, not only during this debate but during question period. We know there are 207 municipalities that will see a reduction in provincial funding, money that was there and should be there this year, next year and in future years to support key social services. Many of those social services, as a result of the Who Does What exercise, now lie with municipalities. Overall, this fund, this so-called new deal being offered to the municipalities by the McGuinty Liberals, represents a reduction on average of 6.8%. However, in certain communities—I think of the tobacco town of Tillsonburg—the reduction amounts to 100%. Oxford county, a tobacco-producing county, is seeing a decrease of close to \$1 million under the CRF exercise; that is also a 100% reduction. These are municipalities that only two weeks ago were promised by this particular government that they would be receiving something on the order of \$15 million to be allocated through the community futures program to assist them to adjust their economies to the decline—in part government-initiated—in their tobacco-growing communities.

1650

I'm very concerned when I see this kind of shell game over the course of two weeks where, on one hand, \$15 million is announced for tobacco-growing communities like Tillsonburg and Oxford, and on the other hand—the other hand; I inadvertently used the word “underhand.” Actually, if you add up all the tobacco-growing communities, well over \$15 million is clawed back.

I mentioned Oxford and Tillsonburg. Other tobacco-growing communities—Norfolk county, Brant county and Elgin county. In Brant county, we see a decrease of 48% in local service realignment funding. Burford township—the Norfolk sand plain is an area where tobacco continues to dominate. They needed a share of that \$15 million. Brant county is seeing a reduction of \$2.9 million, a decrease of 48%.

Elgin county, the county of our Minister of Agriculture, would have been promised a share of the \$15

million in compensation money to assist their declining tobacco economy. Elgin county is seeing a decrease of 67.8% under the partnership fund announced by this government. So subtract \$4.48 million from Elgin county. Norfolk county is losing \$7.3 million.

This is the same government that, in my view, has literally forced frustrated farmers—not only tobacco farmers, but all farmers—and other rural residents out on to the highways. There was a reason the Elgin county farmers and the Brant, Oxford and Norfolk farmers went out on Highway 401 at Tillsonburg and Ingersoll this past winter. They showed up again at Prescott. They blocked the US border. They also blocked the Quebec border at the 401. Much of that was led by tractors from tobacco country, farmers living in municipalities who need assistance from the provincial government.

The farmers need assistance; the municipalities need assistance. There has been very little consultation locally with either the farmers or the municipalities on this tobacco issue. Perhaps this law would serve them well, would force this government to consult, because, truly, we do have rural municipalities, local governments in this province, that are dependent on assistance from Queen's Park. They're dependent on the maintenance of revenue neutrality between the provincial and municipal levels.

As I think of the frustrated rural residents, not only in my area—I attended a meeting last night in Barrie, hosted by cattlemen and corn producers. The guest speaker was Randy Hillier. There's a lot of frustration out there. Farmers, municipal politicians—a number of municipal politicians were present. The farmers were certainly inspired by Randy Hillier.

Interjection.

Mr. Barrett: Randy Hillier provided an awful lot of hope for my tobacco farmers. I spent a year and a half in this Legislature asking questions about where the Liberals' promised money was for my farmers, and I admit, I got nowhere with my questions to the Minister of Finance, nowhere with my questions to the Minister of Agriculture and nowhere with my questions to the Acting Premier of the day.

I went back to the farmers last fall and explained to them that this place, in my view, was dysfunctional and that there is no movement at all on either tobacco or any other agricultural issue. Only when those tractors, led by Randy Hillier, ended up on the 401 did we see action from this government. I thank the government for some of the things they have done in response to pressure from people like Randy Hillier, the Lanark Landowners' Association and the Ontario Federation of Agriculture.

Speaking of the frustration in rural Ontario and of rural residents, another group that is affiliated with the Rural Revolution and the Lanark Landowners' Association is VOCO, known as Voices of Central Ontario. If you go on the Web and just type “Rural Revolution” and “Lanark Landowners' Association” into Google, you can get the link to VOCO, Voices of Central Ontario. This is an organization that has come together for reasons of

municipal concern and concern with this government. They'll tell you that they were one of the first casualties in this government's commitment, I guess, to what they would consider—I shouldn't put words in their mouth; they're my words—to be a wishy-washy kind of Liberal-branded form of consultation.

Members of VOCO will tell you—in fact, Speaker, I think you presented at one of VOCO's consultation sessions a year ago or so at the Rockton Fairgrounds—that they are attempting to communicate to this government that putting Bill 92 forward—this is the same government that continues to ignore what VOCO considers the ultimate form of consultation: the practice of democratically-arrived-at decision-making through referendum. A referendum is certainly a time-honoured tradition. I know that, down our way, they have been held during municipal elections. I ask the members opposite who have indicated a bit of interest in it this afternoon to take a look at that VOCO Web site. Under their Web site you'll find it titled as, and I quote, "McGuinty Lie Number 201." It goes on to quote the Premier as stating—

The Acting Speaker: I'm afraid you can't even quote someone else saying that word in here, OK? So I'd ask that it be withdrawn.

Mr. Barrett: I will withdraw it. It's just amazing what comes up on Web sites.

I will quote the Premier, however, and I will leave it to the House and the Speaker to determine whether there is any—I'd better not go there. I quote Premier McGuinty: "I have committed that a Liberal government will ensure a binding referendum is held to allow local citizens to determine whether or not to dismantle the amalgamated city." I will emphasize the phrase "binding referendum." Directly underneath that are written the words, "The referendum was held. The people voted yes to de-amalgamate. McGuinty's Liberals say no."

Speaker, you can imagine what the people of VOCO have to say about this government's commitment to consultation. Actually, both you and I have heard what they had to say about this during our consultation with this particular group.

Now I'd like to go back a few years to an area near Lake Erie that's dear to my heart, where residents wanted their voices to be heard, through consultation, on forcing a de-amalgamation of their area. I ask your indulgence, if I could set the scene. This is a tale of two counties, the county of Haldimand and the county of Norfolk, a history that dates back some 155 years.

Mrs. Carol Mitchell (Huron-Bruce): Talk about Chatham-Kent.

Mr. Barrett: We could talk about Chatham-Kent. I don't know whether I have time.

Mr. McMeekin: Which your government ignored.

The Acting Speaker: Order, please. I don't remember the member from Haldimand-Norfolk-Brant heckling to quite the extent when others were speaking. Please continue.

1700

Mr. Barrett: Speaker, I appreciate the comments and the heckling. I can't handle two at one time. I know there were comments about Chatham-Kent, and the other comments may have been about Hamilton—I know the member lives in the new Hamilton—two examples of amalgamation. Certainly, in Hamilton, we had that amalgamation structure happen there at exactly the same time as we had a de-amalgamation in Haldimand-Norfolk, courtesy of Mike Harris. Oftentimes when we talk about amalgamations, we forget about the very recent de-amalgamation down my way. But I will mention that there are residents from Hamilton whom I have been consulting with, and I've certainly been in touch with people from Chatham-Kent. I would ask the members of this government—maybe they're going to have to wait until they're legally bound to do this, but I would hope you would continue to speak with the residents of Chatham-Kent, who would like to see some changes. I hope you would speak with the people in the newly formed Hamilton. There may be a better way of doing things.

I had a chat with Milt Farrow on the weekend. Milt was attending a gymnastics competition in Caledonia. I had a very good chat about Hamilton. Milt Farrow was the consultant for Haldimand-Norfolk, but he also followed the Hamilton process very closely and had some very good ideas. I suggest that this government consult with Milt Farrow; our government did.

Interjection.

Mr. Barrett: I can't hear some of the heckling, but I'll continue on with some of my remarks, if I could interrupt.

The old Haldimand county and the old Norfolk county were neighbours. Things were fine. They were separately constituted municipally, and long had been economically viable. Haldimand county goes back to 1850 as far as its municipal incorporation goes; Norfolk, 1849. In fact, the original county of Norfolk was established in 1790. That's actually six years before my family on my mother's side arrived in Norfolk. So for more than 124 years, the two counties coexisted as two well-established and independent municipalities. They had a background rooted in earning a living from the land. They survived. They thrived by co-operating.

A decision was made about 30 years ago to merge the two counties. That went over like a lead balloon. There was consultation. I was part of that consultation exercise back at the time. I was working in the area at that time. Through consultation, we knew that 80% of the residents of Haldimand county and Norfolk county were opposed to a merger. They were opposed to being amalgamated. The government of the day consulted but did not listen. It took us 25 years.

There is hope for some of the people in Hamilton and in Chatham-Kent, there is hope for people in Kawartha Lakes, to consult with government, if government is willing to listen, whether they require a law to force them to listen or not. It took us 25 years, but things can change.

The Acting Speaker: Questions and comments?

Ms. Horwath: It's a pleasure to make a few comments on the speech by the member from Haldimand-Norfolk. His comments began, I believe, with quite a critical look at this particular bill, Bill 92. I think his general gist was that he was not quite of the opinion that this bill would do what it purports to do, and that is to effectively consult with municipalities across Ontario. I would have to say that I concur with that particular sentiment. I look forward to making some more detailed comments in that regard in a few short minutes. However, I have to say that I really don't feel comfortable commenting on the issues he raised around his particular community and some of his own experiences, because obviously that's his purview and his experience.

I have to say, though, that from my own perspective, neither amalgamation nor downloading were smooth processes for the municipality I represent. I don't know that the efforts that were made by the previous government were ones that were particularly consultative. The unfortunate thing is that I don't see any change in Bill 92, because what it looks to do is to squeeze the consultation obligation, the consultative responsibility, into this window called AMO. Unfortunately, that will not address the concerns that are raised by other municipalities that are not necessarily in line with the position or the opinion of AMO, a majority of which is representative of smaller communities across the province and not of the medium-sized and larger communities like the one I come from, the city of Hamilton, and Toronto, Ottawa and those kinds of larger cities. That's the unfortunate reality of this bill.

Mr. Tim Peterson (Mississauga South): It's wonderful to be able to stand up today and cite examples of where communication between cities, municipalities and the provincial government broke down and caused great injustice and ridiculous results.

The first example is with Steve Mahoney, a previous MPP in this House and the first housing minister federally appointed by Jean Chrétien. He actually had money to give away and came to the provincial government and said, "Would you please spend money on social housing?" Because of the inability to coordinate the municipalities and the province with the federal government, no money was spent by the previous government on this housing. That money went unspent, and today we have a huge backlog of social housing and issues.

There are other examples. As you all know, the region of Peel won an award for being the best-managed region in Ontario. Despite this extremely good management, the provincial government did not go to them and work with them on issues such as pooling and the cost of social services that they had downloaded to the region. As a result, there is a major imbalance in the Peel region, according to the Fair Share for Peel, whereby our services are underfunded by about 50% compared to any other part of Ontario, because it has not allowed for the fast growth. One would have thought that if the Tories were capable of good planning, they would plan for growth, not for failure, and yet they failed to do this in

consultation with the region of Peel and, of course, with our very famous mayor, Hazel McCallion.

It's wonderful today to mention these examples of the lack of good consultation between the province and the regions.

Mr. Gerry Martiniuk (Cambridge): I'm pleased to rise to comment on the presentation of my colleague from Haldimand-Norfolk-Brant. We feel in our caucus that we are lucky to have him work tirelessly for individuals who in many cases have no voice—the tobacco farmers, for instance. It's difficult to defend tobacco farming because of the ill effects and health reasons. It's not a popular subject. However, when the state imposes its will on individuals for the good of the whole, it always must be cognizant of the removal of the rights of those individuals. If need be, compensation should always be a consideration, and my good friend the member from Haldimand-Norfolk-Brant has worked tirelessly on Ontario citizens who have lost part of their rights because of the imposition of laws in the province of Ontario.

1710

He has also worked so that this government and the prior government would consult in regard to many of the impositions that governments do make from time to time. Unfortunately, in this case, he has not been wholly successful because this government, I believe, has a reputation of not consulting. Certainly in the case of the bill presently before the House, it is plain to see that they have not consulted with the municipal officials before imposing this particular bill.

Mrs. Mitchell: It's certainly my pleasure to rise to speak to Bill 92.

I must say that it is with a great deal of interest that I hear the speakers speak to Bill 92, with a specific comment to the member from Haldimand-Norfolk-Brant. I wonder, if the previous government had passed a bill like Bill 92, would the downloading list have gone on and on as it did?

Just so that everyone who is watching this late afternoon understands the scope of some of the downloading that happened from the previous government, it was ambulances, social services, roads, bridges, public health and the big one, amalgamations. I must say that when members of the House suddenly have what I would have to call a very slight case of amnesia about what happened in the past and how, I would be remiss if I did not stand up and jog the memories of what has happened and what we bring forward. So when I rise in my place to support Bill 92, I can't but ask myself and the viewers: Would, in fact, the previous government have passed a bill like Bill 92?

So I certainly do support Bill 92. I look forward to working with our municipal counterparts, because together we will build a stronger Ontario, and that is what the people of Ontario want for their province.

The Acting Speaker: The member has two minutes in which to respond.

Mr. Barrett: I do thank the members for their two-minute hits and some of their comments through heckling.

The word "amalgamation" comes up, and I would ask the members to please join me in attending some of these meetings and some of these conferences about de-amalgamation. I hear a chuckle from the member opposite; I don't have time to name his riding. But just last year, I attended the conference at the Rockton Fairgrounds hosted by the Ontario local democracy de-amalgamation network. Issues of Hamilton were on the agenda, of course, as were Chatham-Kent and Kawartha Lakes.

The member from Cambridge may be interested. When I was driving south to that Saturday conference, I was coming down Highway 8 from Cambridge. I had a chance to view the road signs, and I took notes as I was driving. One of the first signs I passed—this was coming from Cambridge, entering what's now called Hamilton—was a very large sign that said, "Welcome to the City of Hamilton." I only went about half a mile and there was another sign that said, "Downtown Hamilton: 33 kilometres," which is even more in miles. Then I saw a field that had five horses in it, and then there was a sign advertising the May 15 meeting at the Rockton Fairgrounds. Further down the road, I passed a flock of sheep—this is in Hamilton, the new Hamilton—and a field that had five horses in it. A little farther down the road there was a sign that said, "Bring back my plants that you stole, you jerk!" Now, this sign has nothing to do with what we are talking about here; I just thought it was kind of interesting. I thought I'd mention that.

This was miles away from the centre of Hamilton. You guys have an opportunity; you're in government. Let's fix it.

The Acting Speaker: Further debate?

Ms. Horwath: I can't start my debate without thanking the member from Haldimand-Norfolk-Brant and his wonderful description of the city that I come from, Hamilton.

Interestingly enough, I've had the opportunity to live in many parts of the city of Hamilton. I was raised in Stoney Creek and lived not too far away from the Highway 8 junction he's talking about, in a place called Bullocks Corners, which I guess technically is in Flamborough, although I'm not positive.

Mr. McMeekin: What used to be Flamborough.

Ms. Horwath: What used to be Flamborough. I'm sorry.

Of course, now I spend much of my time in the downtown area and in Hamilton East, the riding I represent.

In preparing my remarks on Bill 92, I came across a quote that I thought I should take the time to share. I think it's indicative of some of the concerns I have about Bill 92. I'll talk about how it connects in a minute, but first let me quote to the people watching and the members of the Legislature this particular passage:

"Does anyone suppose that, in real life, answers to any of the great questions that worry us today are going to come out of homogeneous settlements?...

"But lively, diverse, intense cities contain the seeds of their own regeneration, with energy enough to carry over for problems and needs outside themselves."

This is something that was written by a woman named Jane Jacobs, who is perhaps the most well-renowned author and commenter on urban issues in our society today and has written volumes and volumes on this topic. I raise it in contrast to the bill. There are three sections to the bill; it's a very small bill. This is the whole thing; it fits on one page. It says in subsection 1(1), under the part that talks about consultation that, "the province shall consult with municipalities in accordance with a memorandum of understanding entered into between the province and the Association of Municipalities of Ontario." So not consulting with municipalities, full stop, but consulting with an association that is purporting to represent the interests of all municipalities in all communities across the province.

When Jane Jacobs talks about great questions worrying us today, that solutions are not going to come out of homogenous settlements, I would say that Bill 92 is the government's attempt to settle some of the big issues that are facing communities across this province through the small homogeneous window of an organization called AMO.

Why is that a concern? It's a concern because the Association of Municipalities of Ontario, an organization that I had the opportunity to participate in for a couple of annual conferences and where I had the time to meet some of the good people—and they are good people there. So any criticisms of the organization have nothing to do with the individuals there who work hard and the people who participate to try to make it a relevant organization. The problem is that AMO itself is not an elected body, per se. It doesn't really have any power to represent anybody. There is no real authority that exists inside the body of AMO. There is no accountability, if you will. There is no way for anybody to make sure that this organization is actually doing what it says it's going to do or what it says it is mandated to do. I'm not saying that it is or isn't; I'm saying that there are no mechanisms, there's no accountability, no way to ensure that that is happening.

The thing that gives me great difficulty with that is not just the principle, but the reality that as an organization, if you look at how Ontario is made up, if you look at the number of communities that make up Ontario, you will know that the diversity is extremely great, and that's a very good thing. You have communities of every shape and size. Mr. Speaker, in your speech earlier on as the critic in this area for the New Democratic Party, which you and I both belong to, I think you indicated one community particularly, the smallest community in Ontario. But if you look at the list of Ontario communities, you will see that the range in size, in terms of population, is extremely significant. The range from the smallest to the largest is huge.

1720

There is also an issue around what each of these communities looks like. For example, the community of

Hamilton, the city of Hamilton, is quite diverse in and of itself in terms of the issues it is dealing with. It does deal with major urban issues very similar to the ones the city of Toronto has to deal with. But the vast majority of the land in the city of Hamilton is in fact agricultural land, so there are agricultural and rural issues that the city of Hamilton must deal with. There are also issues we deal with that are common across cities, towns and rural areas—in the city of Hamilton we deal with all of those things because we're that type of community—but we are not the same as any other community.

It's interesting, when you look at what's happening with this particular memorandum of understanding that is attached to the bill—I was looking through this, and I think it references the city of Toronto in the attachments here, but my understanding is that the city of Toronto is no longer even a member of the Association of Municipalities of Ontario. I think the government needs to update its information, unless this is just old information I happened to come across myself.

One of the issues I'm really concerned about in regard to the AMO situation is that, in the context of the diversity of communities it represents, the vast majority, just by sheer numbers, are smaller communities. It's really apparent that the largest number of voices—it's just like it works in this Legislature. The government has the largest number of members. They're the government; their voice carries; their agenda goes forward. In AMO, it is not unlike what happens here: The largest number of voices have the greatest amount of steam and therefore carry the issues forward just on the basis of representation.

I did take the time to make a few telephone calls, knowing that I would be speaking in this debate this afternoon. I did speak to a couple of elected representatives in my home community. I heard considerable concern from them about this bill, based on some of the comments I've made already, based on the concern that, as a larger city, Hamilton's interests will not necessarily be taken up or be heard in the process of negotiation that's outlined in the memorandum. How do I know this? As I said, I did talk to some of the elected officials in the city of Hamilton, and they indicated to me that it's been a rather challenging experience, if I can put it politely, to have their concerns addressed within the structure of AMO, simply because of the things I've already mentioned in regard to the types of communities and the volume of communities that have a voice there that are not cities the size of Hamilton.

When I think about that, I get concerned: How do some of the larger cities like Hamilton, Toronto, Ottawa, London have a voice if they have similar concerns to my city in regard to their ability to be represented through Bill 92's process, this window of AMO? It seems to me that at this point their concerns still haven't been heard. Their concerns need to be addressed and likely will not be addressed in this new process. Just looking at where we are right now, we know that the concerns are not being addressed.

The consultation Hamilton needs to have with the government is one that speaks to the issues that face that community. They're not the same issues that face every community. They're not homogeneous issues, if you will, as Jane Jacobs describes it in the quote I mentioned earlier. They're issues that are specific to larger communities.

I raised that in my questions and comments opportunity a little earlier on when I was talking about the irony of the situation that municipalities find themselves in right now—municipalities like my own—where they are watching this government, the provincial Liberals, go after the federal Liberals because they don't think they're getting a fair deal in terms of the financing, and yet my very own community is having the same fight with the Liberals here in this Legislature because they're not getting a fair deal from their provincial government. It's quite interesting that that is happening. I call it ironic, and really it's outrageous; in fact it's completely outrageous. That's one of the things AMO is certainly not going to be able to address from that perspective, because not all communities are in that same boat.

I have to say that there are a number of things that communities the size of mine are dealing with—communities the size of Hamilton and others—that are not consistent and not the same as others in the AMO organization. For example, if Hamilton had its way, there would be things that need to be addressed, like the lack of affordable housing. In fact, there are a number of units that have been approved for affordable housing in my city. They are actually ready to be built. The approvals have been made, the zoning is in place, the partners are at the table, but what do I hear from the staff in Hamilton? I hear that the minister isn't delivering the funding. In fact, I've got organizations in Hamilton that are ready to tell the construction companies to get on the site, start doing the work, and damn the torpedoes, because it needs to be done and we need the housing units. They don't want to even wait for the minister's final approval because they're so fed up. They've been waiting for over a year for this approval. This is just one small matter that would make a huge difference if the minister could take the time to actually sign off on the federal agreement, which would then bring the funding forward and get those units built. But that's just one: affordable housing.

The city of Hamilton also has some serious transportation deficiencies, particularly in public transportation. Unfortunately, because of the problem with funding in the city of Hamilton, the lack of support from the provincial government and no sustainable way to deal with their budget shortfalls, the city council there has been having to make some not-so-positive decisions. What does that mean? It means that when the government of Ontario is not providing the appropriate resources to the cities, what gets cut? In Hamilton, everything gets cut. Trees don't get cut, so tree maintenance budgets get cut. That means that you can't keep an urban forest happening in a city like Hamilton, and that's an extremely important asset that the city needs. Public facilities, like

libraries and recreation services: Their budgets suffer. They have to reduce their hours. Again, the community's resources are depleted.

There are ongoing issues in Hamilton around support for second-stage housing. In fact, I've been trying like crazy to get the minister responsible to meet with me about second-stage housing in our community. In less than 30 days we're going to have about 28 beds shut down in transitional housing for women. Why? I have no idea why. I can't even get the minister to meet with me on that particular issue, and it's quite frustrating. These are the kinds of things on which cities like Hamilton need to consult with the government, and it's not going to happen through this body called AMO.

There are other major issues happening that I'm trying to deal with in the city of Hamilton; for example, the fact that security deposits are being charged on people who are late paying their hydro bills more than once in a 12-month period. I have huge complaints coming in about skyrocketing insurance rates. These are specifics that perhaps echo in the minds of some of these members that have something to do with their communities.

In terms of larger urban centres that have some history, there are also the major cutting-edge issues for cities, things like brownfields. Brownfields are a huge problem in places like Hamilton. Not every city or town or community across Ontario has that concern, has that problem. The ones that do heard a lot of talk by both federal Liberals and provincial Liberals about the brownfields issue, but we certainly haven't seen any walk to back up that talk. We certainly haven't seen any real addressing of that problem.

1730

In Hamilton, as well, there are the issues of the urban centre, of the need for more investment in our local infrastructure in the urban centre, and also on our waterfront, which is one of our jewels, if you will, that is going to help with our redevelopment over time. These are the things people in my city are very interested in. I can tell you, there are people who are sitting in this chamber right now who have an equal list of issues that are specific to their communities that need to be addressed. I can also tell you that those issues are not going to be addressed in any effective way through an amorphous body like AMO that, just by the way it functions, just by the way it is set up, isn't able to take on those issues.

If the government is hoping to use this Bill 92 and this memorandum of understanding as a way to streamline and manoeuvre things to be able to do whatever they want and wipe their hands of anything that looks like real consultation with communities across this province by saying, "Look, we've consulted with AMO," then I'm going to tell you that there are going to be a lot of disappointed communities and people around this province. Unfortunately, those are the kinds of comments and cautions that came from the elected officials I spoke to today from the city I represent.

Hamilton had a \$51-million budget shortfall again, and the provincial government bellied up after the city,

having to postpone its budget for about the third time and awaiting a response from the provincial government—the provincial government did come in with a minor adjustment or handout of about \$15 million, but the problem is that the last time this happened was about a year ago. There was a promise made by the government that this would be, first of all, a one-time payment because they were going to look at a way of achieving a sustainable solution to this problem, this problem being the problem of downloading and the problem that our city, Hamilton, has in terms of its ability to deal with the unfair downloading that took place.

Here we are a year later. There has been no sustainable solution. There is this other program the government has put forward to replace the community reinvestment fund. Unfortunately, it does little to reverse the crisis caused by the downloading situation, and unfortunately, none of us holds out much hope that it's the solution we were looking for.

Unless this government makes some real commitments to some kind of parallel process, some kind of other process that's going to deal with some of these bigger-picture issues that are facing cities across the province, we're in for big trouble, because these cities have the largest numbers of people living in them. They are the largest centres of population. They require specific solutions based on the various characteristics each of them has. The unfortunate reality is that Bill 92 is being touted as the solution, as the consultation opportunity the government is putting in place to talk to municipalities, and it's not going to be successful because there are not going to be the kinds of real solutions coming out of that dialogue.

Do I think dialogue is a wrong way to go? Absolutely not. Do I think consultation is appropriate? Absolutely; I do. But when you are putting forward something that narrows the consultation, that by definition cuts out a number of people in the process, that by mandate says, "This is the group we talk about and this is the forum at which we talk about it," then that raises some concern with me.

So I'm hoping the government will see its way to find other ways to consult with communities, to find other opportunities to make sure that the cities and towns across Ontario are addressed in an effective and appropriate way, because it's not a matter of homogeneous solutions by amorphous bodies that are not representative of the diversity of our province; it's a matter of rolling up your sleeves and working specifically one on one with our communities.

The Acting Speaker: Questions and comments?

Mr. Khalil Ramal (London-Fanshawe): I have the pleasure tonight to stand up and speak in support of Bill 92. I believe it's very important, and I commend the minister for bringing it forward in order to maintain the good relationship between the province and the municipalities across Ontario.

We strongly believe, as the government of this province, that stronger communities lead to a stronger prov-

ince, a prosperous province. That's why our government has opened a consultation basis with our municipalities across the province, to maintain a good relationship, to maintain good education, good health care, and good, prosperous areas across this province.

I was listening carefully to the member from Hamilton East talking negatively about this approach. I wonder why, but anyway, it's her own opinion. But I tell you, we have a good relationship—I'm talking about London, Ontario. My colleagues Chris Bentley and Deb Matthews: We meet with our municipal mayor twice a year to address all the issues. Let me tell you, they're very happy with our government's approach because we're listening to them. We take their concerns to all the ministries to address their issues, and most of their concerns are being addressed and dealt with.

They were happy and honoured to receive \$13.1 million two weeks ago to help them deal with various issues concerning London. They commend our government and our leader of this government, Dalton McGuinty, for his opening a dialogue with the municipalities, for his openness in dealing with all the issues across the province, and also the accessibility of our ministers, to visit the municipalities, talk to the mayors and talk to the councillors to address all the issues: health, education, infrastructure.

That's why this approach was taken. I'm honoured to support this bill, and hopefully all the people in this place, all the members, will support it too.

The Acting Speaker: Questions and comments? The member from—hold on, I've got to get it right—Ancaster—Dundas—Flamborough—Aldershot.

Mr. McMeekin: The easy way to remember that is ADFA. You go Ancaster—Dundas—Flamborough—Aldershot, or, if you're in Aldershot, it's Aldershot and whatever fits.

I'm pleased to have a couple of minutes to comment—an unexpected couple of minutes, as it turns out, but notwithstanding, one to two minutes that I welcome.

The whole issue of dialogue is so fundamental to those things that, on a good day, we claim we would treasure here: to talk, to be partnering about the needs we have to move forward with building the strong, healthy, caring communities we all want: You can't do that if all you're doing is pointing fingers. You've got to be pointing direction. The way you point direction is by talking to one another about the kinds of things that have to happen.

I can tell you that in my beloved Hamilton—I was born and raised in the city of Hamilton, fell in love with another community called Flamborough and have tried over the years to respect and honour both—there are difficult challenges. I think the mayor, His Worship Harry De Ianni, appreciates, in ways he would describe much more eloquently than I can in this brief couple of moments, the favourable climate that has been created between a provincial government that actually cares to listen, is listening in order to learn and is learning in order to act. There's no sense in listening unless you're

going to learn from the listening, and no sense learning unless you're prepared to act.

It isn't perfect, as the member from Hamilton East knows, but it is one heck of a lot better than the climate we had not very long ago, I think she would agree.

1740

Mr. Mario G. Racco (Thornhill): I'll be happy to support Bill 92. If Bill 92 passes, this proposed amendment would enshrine the principle that the province consult with municipalities on matters of mutual interest. What better thing to do?

We have a number of issues that must be addressed, both at the provincial and at the local level. Unfortunately, in the past, the two levels of government sometimes didn't seem to know what's happening on the other side. This bill would in fact promote that a more formal discussion take place and that spokespersons for the municipality be recognized. Of course, discussions can continue with any municipal politician, municipality or any other elected person to find out what the issues are in a specific area. But this bill would, as I said, make it a formal discussion and make sure that the issues are known to both levels.

I have discovered quite often, unfortunately, that what we do sometimes at the provincial level is not known at the municipal level and vice versa. That is why quite often we don't do what's most important for the people. Bill 92, in my opinion, would assist the province and the municipality to know better what the objectives are of both levels. Working together, we can achieve much more. I had that experience personally when I was first elected, when I brought together all the municipal politicians in the region of York with the three Liberal MPPs to understand what was important to all of us. Through that process, we did learn, and we are able to deliver better.

The Acting Speaker: Further questions and comments? Seeing none, the member from Hamilton East.

Ms. Horwath: I want to first thank the members who commented on my remarks. I have to say, if there's one thing that I think everybody would agree on, it's that consultation is definitely a valuable tool. The unfortunate problem we have is that Bill 92 doesn't go far enough in terms of its commitment to consultation, and it doesn't do that in a couple of ways.

It doesn't do that in that AMO, as an organization, is not an accountable organization in and of itself, so there's very little to assure anyone who is consulting with them that their position on any particular matter is reflective of the diversity of voices that participate at their various committees and tables. That's problematic on its own. The other piece that's problematic, and I think it's—I'm going to use that word again—ironic that members on the government side will say, "Well, you have to make a start somewhere." There's no doubt you do. But you don't make a start by automatically cutting out the formal dialogue with a number of different organizations, namely the municipalities across the province.

If I have trouble on the other hand, it's the concern I have that municipalities like my own—verified again by a discussion I had with a couple of elected officials today from the city of Hamilton, which reaffirmed the concern that AMO does not represent the issues that are on the top of their agenda, and a real nervousness from their perspective that this bill is going to mean that the government will not be consulting in any meaningful way on the unique issues that face municipalities like Hamilton, Toronto and others.

The Acting Speaker: Further debate?

Mr. Martiniuk: It could be that I will be sharing my time with the member from Waterloo–Wellington and the member from York North. We are here debating Bill 92, which is exactly one page long. It is An Act to amend the Municipal Act, 2001, and first reading took place on June 8, 2004. I have difficulty remembering that far back. That's almost a year. The explanatory note says: "The bill provides that the province shall consult with municipalities on matters of mutual interest in accordance with a memorandum of understanding entered into between the province and the Association of Municipalities of Ontario." It's a nice, short bill, and of course the memorandum is somewhat longer. One of the intents of the bill is to seek further consultation between various levels of government and the exploration of problems between the governments and how we reach solutions.

Something happened in my riding that makes me think of the School of Architecture. Let me tell you about it, because I think that's a really good case of where parties came together with a mutual interest because of a need. Firstly, the school of architecture, which is famous in Canada and is located at the University of Waterloo, in the municipality of Waterloo, of course, has a branch office in Rome, Italy. It is a co-op school of architecture. When you're taking the degree course, you spend some time in Rome, Italy, a most attractive thought indeed. As a matter of fact, if I had known about this school when I was going to school, perhaps I would have ended up being an architect with my brother rather than going through law school. In any event, the school was very successful. It had, unfortunately, a great problem in that it was terribly overcrowded on the campus located on University Avenue in Waterloo. That need was there, and unfortunately, like everything, many needs at the university were met but that particular need for a new facility in the overcrowded school was not being met.

The story really starts with the dean of that school of architecture meeting with four individuals. Some had some interest in the University of Waterloo and some did not, but they were all Cambridge residents. The most prominent of those individuals with a connection to the University of Waterloo was Val O'Donovan. Mr. O'Donovan unfortunately is now deceased, but at that time he was the chair, I guess it would be, of the University of Waterloo. In any event, he was a public-spirited citizen and he did meet with other individuals from the city of Cambridge: Mr. John Wright, who was a prominent realtor in Cambridge; Jim Cassels, who at that

time worked for the company which I always think of as Angel Stone because they manufacture angel stone for North America, located in Cambridge; and Mr. Tom Watson, a local entrepreneur. Between the four of them, they approached David Johnson, who was the president of the university, and discussed with him the possibility of this school of architecture moving to Cambridge.

1750

The interesting part is that Cambridge's need—we know what the need of the school of architecture was, and of course that was also the need of the university: to provide more and larger premises to the school of architecture.

Cambridge's need—to start with, it has three downtowns, and that's a problem. Cambridge resulted from the amalgamation of Preston, Hespeler and Galt. When I moved to Cambridge some long time ago, I moved to what was then the town of Preston, and I still refer to myself on occasion as a Prestonian, although after that length of time I should be saying I come from Cambridge. I understand there are individuals from the city of Toronto who have a similar problem. They still come from Etobicoke, North York and, of course, East York, and so they should, because there's a sense of identity there that is precious, and we should be preserving it, even though mean governments at times impose amalgamations on us that we don't want. It happened to me, and I'm sure it has happened to others.

In any event, the problem in Cambridge is that, like any small city of just over 100,000, the downtowns are finding it more and more difficult to attract patrons to their retail stores. Cambridge has Highway 24, leading to the 401, the commerce river through Cambridge. We have the old commerce river, which is the Grand River, and the Speed River—they join at Cambridge; in Preston, as a matter of fact—but the 401 is the commerce river, and Highway 24 leads to it. Therefore—and all have seen it throughout North America—the street that leads to the major highway is complete with retail plazas, short-order restaurants, roadhouses and things of that kind, with signs that they tried to control but that have gotten out of control and unfortunately do not sometimes make a pretty picture.

In any event, it would seem that a good part of the comparative shopping in Cambridge has moved away from the three downtowns and ended up not just in Cambridge but in other plazas throughout Waterloo region—a region, by the way, approximately one hour's drive west of Toronto, and soon to have a half million souls. It also forms part of what we call the golden technological triangle with Waterloo region and Guelph.

In any event, the need is there, because we have a downtown that needs help. A school of architecture would inject young students. Also, I think being the location of a university does something for the prestige of any municipality. In Cambridge, there were no schools of higher learning, although just kitty-corner from Cambridge in the south part of Kitchener, which also is part of my riding, is Conestoga College, which is an excellent

community college in Ontario—as a matter of fact, I think it's the best, but I'm sure we can debate that at some other time.

So we have a need with a school that is going gangbusters, being very popular. We have a need, on the other hand, with a downtown which needs a boost. These four individuals—John Wright, Val O'Donovan, Jim Cassels and Tom Watson—approached the president of the University of Waterloo, David Johnson. He's quite a fine hockey player. As a matter of fact, when I was helping Mr. Lalonde with the Legiskaters, we invited Dave Johnson out one time, but he tells me his hockey days are over. I think he played for Harvard at one time. In any event, he's a fine gentleman. In a sense, though, he's a bureaucrat, and one would think he would want to preserve his bailiwick and keep everything in one nice little package. That's what I would have thought but, just to the contrary, he greeted the innovative idea from these four private citizens with open arms. He thought it was an excellent idea, and he worked with the board of directors and the dean of the university toward exploring how this could come about.

Here we get into the partnership. So we've got one partnership between the University of Waterloo and the school of architecture. We have another partnership between these four individuals who are public-spirited persons with no axe to grind. They're not in this for the buck; they're in this to assist Cambridge and the university. This all starts coming together.

The first place they approached was the city of Cambridge, because, first of all, they had to obtain a site. The question was whether they were going to build or whether they were going to use an older building, and they would need assistance and financial support, quite frankly. So the new partner comes in from the university, and now we have the city of Cambridge. I must say His Worship Doug Craig and the councillors leapt at the opportunity. They had the vision and the guts to put their money where their mouth was and say, "This is a worthwhile project for the city of Cambridge. This will benefit all the citizens of Cambridge." They started shelling out some money to back this project, and they got behind it.

I had been reading about this in the paper, but the next step, of course, was that they came banging on my door

to see if I could get some assistance from the Ontario government. We worked hard with the minister, Jim Flaherty, who was then in charge of the funding of projects of this kind. As a matter of fact, Minister Flaherty took the trouble to come down to examine the proposed site. At this stage, they had a proposed site right on the Grand Rivt to be somewhat more expensive than they could possibly handle. In any event, the minister personally came down to examine the site on behalf of SuperBuild.

After some time of due consideration, capital was set aside for this project. Of course, the next step was for these four individuals to approach the federal government. They did approach our local MP and obtained some. So now we've gone from four persons with an idea and the dean of the school of architecture of the University of Waterloo, to the board of directors of that university, to the president of the university, Mr. David Johnston, to the council of the city of Cambridge, to the province of Ontario, to the federal government.

But that's still not enough. The four of them now start—I did mention, Jim, that you personally came down to look at the project.

Interjection.

Mr. Martiniuk: It's a long drive all the way from Whitby, too; it surely is.

But it still takes more money—more than I've related to you up to now—so this group of four, the four horse-men of Cambridge, had to go to the public. All sorts of fundraising dinners and cocktail parties were held, and the people of Cambridge reacted magnificently. They came to the fore and raised sufficient monies.

By this stage, however, we had—

The Acting Speaker: Before you get to that stage, it is now 6 of the clock.

Mr. Dave Levac (Brant): On a point of order, Mr. Speaker: Very quickly, I know that my colleagues would like to share a very happy birthday to the member from Guelph-Wellington, Liz Sandals, today. Happy birthday.

The Acting Speaker: It is not a point of order, but many happy returns all the same.

It now being 6 of the clock, that this House is adjourned until 10 o'clock tomorrow morning.

The House adjourned at 1800.

CONTENTS

Wednesday 20 April 2005

MEMBERS' STATEMENTS

Anti-smoking legislation	
Mr. Barrett	6403
Parliamentary prayer breakfast	
Mr. Sergio	6403
Greenbelt	
Ms. Churley	6403
Health care	
Mr. Oraziotti	6403
Sewage spill	
Mr. Klees	6404
Family health teams	
Mrs. Mitchell	6404
Labour legislation	
Mr. Runciman	6404
Progressive Conservative Party	
Mr. Fonseca	6405
Municipal finances	
Mr. Wilkinson	6405

STATEMENTS BY THE MINISTRY AND RESPONSES

Employment supports	
Ms. Pupatello	6405
Mr. Hudak	6406
Mr. Prue	6407

ORAL QUESTIONS

Municipal finances	
Mr. Tory	6408, 6409
Mr. Sorbara	6408, 6409, 6415
Mr. Hudak	6409
Mr. Wilkinson	6415
Lobbyists	
Mr. Hampton	6410, 6411
Mr. McGuinty	6410, 6411
Ms. Pupatello	6410, 6411
Huron Regional Centre	
Mr. Dunlop	6412
Ms. Pupatello	6412
Autism services	
Mr. Kormos	6412
Mr. Bryant	6413
Employment supports	
Ms. Mossop	6413
Ms. Pupatello	6413
Recycling plant	
Mrs. Munro	6413
Mrs. Dombrowsky	6414
Affordable housing	
Mr. Prue	6414
Mr. Caplan	6414

Oakville hospital	
Mr. Chudleigh	6415
Mr. Caplan	6415
Sexual reassignment surgery	
Ms. Churley	6416
Mr. Bryant	6416
Mr. McGuinty	6416
Environmental protection	
Mrs. Van Bommel	6416
Mrs. Dombrowsky	6417

PETITIONS

Ontario drug benefit program	
Mr. Martiniuk	6417
Sexual reassignment surgery	
Ms. Churley	6417
Wearing of helmets	
Mrs. Mitchell	6418
Waterloo-Wellington transportation action plan	
Mr. Arnott	6418
Senior citizens	
Ms. Horwath	6418
Credit Valley Hospital	
Mr. Delaney	6418
Health care funding	
Mr. O'Toole	6419
Anti-smoking legislation	
Mr. Wilson	6419
Anaphylactic shock	
Mr. Delaney	6419, 6420
Motorcycle insurance	
Mr. Barrett	6419
Ontario pharmacists	
Mr. O'Toole	6420
Frederick Banting homestead	
Mr. Wilson	6420
Ontario farmers	
Mr. Barrett	6420

SECOND READINGS

Municipal Amendment Act, 2005, Bill 92, Mr. Gerretsen	
Mr. Prue	6421, 6427
Mr. Sergio	6425, 6427, 6430
Mr. Barrett	6426, 6429, 6430 6434
Ms. Horwath	6426, 6429, 6433 6434, 6437
Mr. Arthurs	6426
Mr. McMeekin	6428, 6437
Mrs. Van Bommel	6430
Mr. Peterson	6433

Mr. Martiniuk	6433, 6438
Mrs. Mitchell	6433
Mr. Ramal	6436
Mr. Racco	6437
Debate deemed adjourned	6439

OTHER BUSINESS

Visitors

Ms. Pupatello	6408
Mr. Kormos	6408
Mr. Duncan	6408
Mr. Bentley	6408
The Speaker	6417
Mr. Colle	6417

TABLE DES MATIÈRES

Mercredi 20 avril 2005

DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

Soutien de l'emploi

M ^{me} Pupatello	6405
M. Hudak	6406
M. Prue	6407

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur les municipalités, projet de loi 92, M. Gerretsen	
Débat présumé ajourné	6439



No. 133

N° 133

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 21 April 2005

Jeudi 21 avril 2005

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 21 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 21 avril 2005

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

KHALSA DAY ACT, 2005 LOI DE 2005 SUR LE JOUR DU KHALSA

Mr. Dhillon moved second reading of the following bill:

Bill 189, An Act to proclaim Khalsa Day / Projet de loi 189, Loi proclamant le Jour du Khalsa.

Mr. Vic Dhillon (Brampton West—Mississauga): Wahe Guru Ji Ka Khalsa. Wahe Guru Ji Ki Fateh.

I want to tell you how proud I am, as a Sikh Ontarian, to bring this bill forward in the House: Bill 189, An Act to proclaim Khalsa Day. This bill, if passed, will proclaim that April 13 of every year will be officially recognized in Ontario as Khalsa Day. Khalsa Day is the establishment of Khalsa.

On April 13, 1699, Guru Gobind Singh Ji, the 10th guru of the Sikhs, founded Khalsa, which signified the Order of Pure Beings. The Order of Pure Beings is capsulized by the five Ks: the kirpan, a sword representing indomitable spirit; the kesh, which is unshorn hair; the kara, a steel bangle worn as a sign of the eternity of God; the kanga, a wooden comb worn to represent a clean mind and body; and the kaccha, which are short breeches representing hygienic living.

In the international community, many states and cities are honouring this auspicious and important date. It is a great honour that the Legislative Assembly of Ontario will soon recognize the importance of this historic Sikh nations day with this bill.

From that day on April 13, 1699, the Sikh nations proclamation has become a turning point in its history as it leads to the democratic process of social equality, freedom of beliefs and worship, civil rights and cultural integration.

Since the open immigration policy of Prime Ministers Pearson and Trudeau from non-English-speaking and developing countries, Ontario and Canada have become a society woven by multicultural fabric. Ontario citizens of Sikh faith have made and continue to make tremendous contributions to the growth and development of the province of Ontario and our great country. It is important to recognize and celebrate those contributions.

Although the Sikhs first arrived in British Columbia at the beginning of this century, their presence in Ontario came to be felt only in the 1950s, when the immigration laws were somewhat liberalized with the introduction of a quota system. In 1965, there were only 400 Sikh families in Ontario. Compare that to over 300,000 Sikhs living in Ontario today.

I can speak from my heart as a Sikh Canadian that Khalsa is a day that holds tremendous significance for the Sikh community in Canada, Ontario and the world. On April 13 every year, Sikhs in Ontario celebrate Vaisakhi, a day to recognize the birth of Khalsa in a grand way. Thousands of Sikhs turn out for a parade which starts at the CNE grounds and ends at Nathan Phillips Square. As a matter of fact, this year's parade is this coming Sunday, April 24, and I invite all member of the House to come out and enjoy the festivities that will celebrate Khalsa.

This topic has never been brought forward on the floor of this House. However, in the House of Commons seven private members' motions concerning Sikhs have been brought forward since 1996. The federal government has also provided recognition of the 300th anniversary of Khalsa through Canada Post, which released a stamp recognizing the importance of Khalsa in 1999. The heritage department in Ottawa recognized BC's Abbotsford gurdwara. This was the first Sikh temple, built in 1911. On July 31, 2002, the federal government officially recognized this gurdwara as an official historic site. This made me really proud to be a Canadian. The Sikh community was very pleased to get this recognition.

The wearing of a turban is one of the most important and sacred manners to devote oneself as a Sikh. It is a vital symbol identifying that a person is Sikh. The RCMP and many other police forces have allowed the turban to be their formal headdress, instead of caps that are normally worn by police officers. In 1999, the government of British Columbia changed its legislation to make accommodations for turban-wearing Sikhs to be exempt from wearing a helmet. The government of British Columbia took many facts into consideration, including health care costs, exposure to civil and criminal liability and other societal costs. They concluded it was the right thing to do in allowing a small number of turban-wearing Sikhs to ride their motorcycles without compromising their religious convictions.

I had the pleasure of representing a large group of turban-wearing truck drivers who were being forced to wear hard hats on top of their turbans when they entered construction sites. Wearing hard hats on construction sites is a law in Ontario, as safety is most important.

When I brought up this issue with Mr. Bill Galloway, of Dufferin Aggregates, who is a major employer, he quickly agreed to make adjustments so that turban-wearing truck drivers would not have to remove their turbans on the construction sites. A compromise was reached so that safety and religious observance could co-exist. I was very thankful to Mr. Galloway and the company that he represents.

However, this is not enough. I firmly believe that we in Ontario need to look at this law. I say this because a large majority of the Sikh population have chosen to be truck drivers, and by forcing them to remove their turbans, we are infringing on their right to practise their religious beliefs. If British Columbia can do this, why can't we?

I would like to conclude by thanking those who will be speaking on this bill, and members of the Sikh community who have worked hard to find recognition for the contributions they have made to our great province of Ontario and the nation.

I would now like to pass the floor over to my colleagues here in the House.

1010

Mr. Michael Prue (Beaches—East York): It is indeed an honour to rise today to speak to this particular bill. Some members of the House may be aware, and some may not, that prior to my time of becoming a full-time politician, I worked for 20 years in the immigration department and in that period of time met a great many people from all around the world, including a great many Sikhs who had chosen Canada as a place to immigrate to.

The immigration to Canada of Sikhs, as the previous speaker has said, happened over a period of many, many years, but it behooves me to tell this assembly that it was not always as easy for Sikhs to immigrate to Canada as it is today. There is a very sad history in this country of Canadians, particularly in British Columbia, trying to keep Sikh people out of this country. There is the famous history of the ship *Kamagata Maru*—I'll get the spelling for Hansard in a few minutes—which arrived at Victoria with hundreds of Sikh men and a few women on board seeking to immigrate to Canada. Of course they were allowed to immigrate to Canada because the laws of this country at that time said that it was open to immigration for anyone who was a resident and a citizen in the British Empire. India was at that time, and continues to be, a member of the Commonwealth, a member of the British Empire. Therefore, those individuals were perfectly within their right to seek to settle in Canada. They were denied entry to this country. They were there for many days and weeks, and finally were forced to sail back to India.

That was not the first and it was not the last, but it is probably the strongest evidence that we have of the difficulties of the Sikh community coming to Canada. That, of course, has changed, and since the early 1960s, people have been allowed to immigrate to Canada on the basis where they cannot be denied for any reasons that we acknowledge here in Ontario under our charter or that

are found in the Canadian Charter of Rights and Freedoms; that is, they are chosen on the basis of merit like citizens of every other country on earth, and the Sikh community has come and has made a remarkable community here in Ontario and in Canada. One can go into the gurdwara and find that one is treated just as a Sikh. You go in, you can sit down with them and you can have a meal with them at the end of the service. They treat all people in terms of a brotherhood.

Sikhs have a religion that's a fairly new one. It goes back now some five centuries. The establishment of the Khalsa, or the house of the pure, was instituted by its 10th and final guru. Sikhs are known to people. Not all Sikhs today wear a turban but many still do. It is not one of the requirements, and people are surprised at that. They think that is a requirement of being a Sikh, but it is not. There are five requirements if one is to be part of the Khalsa, or the pure, and they are all Ks. We called them the five Ks in immigration and we could always determine very simply which person was a Sikh, whether they wore a turban or not.

The first is the kirpan, the small ceremonial dagger that Sikhs carry to fight for the oppressed. It is a small sword. It did cause some consternation, I will tell you, from some of the airlines that brought Sikhs to Canada when they discovered this little knife that they had with them. Oftentimes the knife was taken away and then given back to them once they arrived in Canada, and I think people around the world can understand today why airlines felt that they needed to do that. But I have to tell you, I don't remember, at any point in all the time I worked in immigration, anyone actually using the kirpan to violent effect. I cannot tell you of a single incident that I ever read about in the paper or knew of where that actually happened. It is a religious symbol that they carry with them.

There is also the kanga, or the comb in the hair, to show a clean and simple life.

They have the kara, or the steel bangle. You can see almost every Sikh male wear one of those. They wear them quite proudly. It is a steel bangle around their wrist that symbolizes the eternity of God.

They have the kesh, or unshorn hair, which is for the simple life.

Finally, they have the kaccha, or the breeches, to show cleanliness and hygienic living.

Sikhs in Canada have made remarkable contributions. Most Sikhs have come within the last 30 or 40 years or so, although certainly there was a community there, particularly in British Columbia, for a much longer period. As I said, it was very difficult for them to come to this country.

I have a story here, taken from Sikh history, just to show how difficult and lonely it was for some of those first individuals who came here. I'd like to quote this just in closing, because I want to leave some time for my friend from Hamilton East, who also wishes to comment on this bill. This is the story of a man by the name of Dharam Singh Parmar. He tells his story of the difficult

life he had here because of the problems with immigration at the time. He says:

"I came to Canada as a student" in 1929. "I was alone and couldn't call her over"—he's talking about his wife—"because I stayed here illegally. At that time, there were scores of men who were my age who had also left their wives behind. We were lonely but we were helpless. My daughter was only seven days old when I left India; my son was two years old. We could only exchange five or six letters in a year because it took a long time for them to arrive. My wife sent me pictures of my children. After I became a legal resident, I couldn't go back because of the pressure of business. My son came to Canada in 1949 when he was 20, and we went to India in 1951. So much had changed. When I saw my wife, all the members of the family were delighted. We had been separated for 22 years. When I left, we were youngsters. When I came back, we were all grown up. My daughter was married and had one child. I brought my son and wife back with me, but my daughter stayed in India because she had her own family."

That's the end of the quote. That's the sad story of what happened to this man and his family. In spite of that, he came back to Canada with his wife, came back with his family, and I'm sure he was successful. Although I know nothing more about him, I am sure he was successful in his life and in his adopted country.

I know that all members of the Sikh community are proud of their heritage. I know they are proud of their contribution to this country and continue to do everything they can to build a wonderful Canada and a wonderful Ontario.

It is time to recognize this tradition. It is time to right some of the wrongs of the past century. It is time to say to the people of Sikh heritage that Canada welcomes them, that we admire them, that we know they are proud and great Canadians and that, as part of the Canadian family, we should recognize Khalsa and all it stands for.

Mrs. Linda Jeffrey (Brampton Centre): I'm happy today to have the opportunity to speak in support of Bill 189, An Act to proclaim Khalsa Day, which, if passed, would make April 13 Khalsa Day in Ontario.

Before I carry on, I'd like to recognize the vision of my colleague from Brampton West–Mississauga in bringing forward this important legislation. As a fellow Bramptonian, it's easy for me to identify the significant and meaningful contributions that the Sikh community has made to our province and to our country as a whole. This bill would provide Ontario with the opportunity to recognize these important contributions in a very significant way.

1020

The Sikh religion has a worldwide following of over 20 million people, and it's ranked in the world as the fifth-largest religion. Sikhism preaches the message of love, understanding, devotion, remembrance of God, truthful living and the equality of mankind.

The first Sikh pioneers settled in Canada over 100 years ago, and since then, the Sikh community has be-

come an integral part of Canadian society. Today, more members of the Sikh community call Brampton home than any other municipality in Canada. They have chosen Brampton as the place where they want to build community institutions, set up their businesses and raise their children. The results have been the establishment of a very vibrant community that I'm proud to represent.

Many organizations across the province already celebrate Khalsa Day, and today I would like to share with you the efforts of two groups. The Guru Gobind Singh Children's Foundation and the Sikh Centennial Foundation showcase the pride and richness of the Sikh culture on Khalsa Day annually. The ideals of Sikhism and the fundamentals of good humanitarian service are key to these celebrations.

In 1999, the Canadian Sikh youth from my riding, as well as neighbouring ridings, including the riding represented by the creator of this bill, the member from Brampton West–Mississauga, celebrated the 300th Vaisakhi by running a 582-kilometre run from Toronto to Ottawa. Inspired by the teachings of the Sikh gurus and motivated by Guru Gobind Singh's fundamental teachings of seva—community service—the 300 Sikh youth participated in the relay run over a seven-day period in which 51 runners ran all seven days. A total of \$118,000 was raised, with the focus on children helping children, and the Guru Gobind Singh Children's Foundation was formed.

Today, the Guru Gobind Singh Children's Foundation provides long-term financial aid worldwide to support 104 children in poverty through existing charities such as World Vision, the Foster Parents Plan, and the SOS Children's Villages, which is a foster home village and provides hostel services for children, as well as the vocation rehab centre.

As they have done since 1999, the youth from the Guru Gobind Singh Children's Foundation have taken an active part in Vaisakhi celebrations, such as the Nangar Kirtan, which is the peace parade on April 24; a Vaisakhi food drive at the Nangar Kirtan in which the Premier took part in 2003; as well as other events outside of the Sikh community, such as the Enbridge CN Tower climb for the United Way, in which 173 youth from the Guru Gobind Singh Children's Foundation will take part this Saturday.

Another group is the Sikh Centennial Foundation, founded in 1997. The organization has been privileged to be at the forefront of promoting Sikh heritage and culture by celebrating the participation and excellence achieved by Sikhs in all aspects of civil, social and cultural life, and honouring non-Sikhs as well who have lived their lives in accordance with Sikh ideals.

Sikh heritage and history is promoted and made accessible to Sikh youth through the events put on by the foundation, and this year at the ninth annual Vaisakhi gala, Stephen Lewis, the UN representative on AIDS, spoke about global activism. Mr. Lewis was recognized for his seva, community service, to people around the world, and for raising his voice in support of various

humanitarian causes around the world; in particular, his work in Africa on HIV and AIDS.

The most recent thing that I would recognize my Sikh community for is that in April, the William Osler Health Centre proposed an idea for a naming opportunity that was a first for our hospital. The William Osler Health Centre announced that its board of directors wanted to recognize the Canadian Sikh community and the service they provide to our community by approving the name of the Guru Nanak Emergency Services Department at our new Brampton hospital campus. This modern 608-bed facility is scheduled to open in 2007.

The idea was to recognize Guru Nanak, who was the founder and first guru of the Sikhs. He was born and raised a Hindu in the Punjab district of India. Reflection, meditation and spiritual study are the elements that Nanak preached. He taught that the most profound spiritual experience does not come from self-denial but from connecting with the family, living for the good of the community and following a strict code of ethical behaviour.

The idea to recognize Guru Nanak was brought to the attention of our then William Osler president Bob Bell by a physician at William Osler Health Centre, Dr. Bajinder Reen. A similar naming recognition opportunity has occurred at Soldiers' Memorial Hospital, St. Joseph's Health Centre and Villa Colombo, among others. This was in recognition of the 50,000 Sikhs who live in the immediate community surrounding the new hospital.

I wanted to offer my congratulations to the William Osler Health Centre board of directors on this fitting and lasting tribute to the Canadian Sikh and South Asian community. It was a very well-thought-out idea and clearly ahead of its time.

It's a privilege today to speak in support of Bill 189, an act to proclaim April 13 as Khalsa Day, and to congratulate the member from Brampton West—Mississauga.

Ms. Andrea Horwath (Hamilton East): It's certainly my pleasure and privilege to be in the House today to speak to the private member's bill that seeks to recognize Khalsa Day here in the Legislature of Ontario. I think the speeches by some of the other members have very well explained exactly what Khalsa Day is all about and why it's an important effort by the member opposite to bring this forward.

I can tell you that I've had the opportunity, the honour, of visiting several times the gurdwaras in my own riding—one on Lake Avenue, one on Covington Street; there are several others I haven't had a chance to get to yet. What I have always found is every time I've had the opportunity to attend services, I have been welcomed wholeheartedly by the Sikh community. I have been welcomed with warmth and treated with great dignity. I have always had the opportunity after services to do what is traditional in the Sikh community, which is to share some food, and I have often had the opportunity to spend some social time afterwards with the community. It's been my pleasure to be able to become more informed and intimate with the Sikh community. They are a wonderful

group of people and they have treated me very, very well. So I thought it would be important to rise today and acknowledge the respect I have for them and to thank them for taking me into their community in such a wholehearted way.

It's unfortunate, though, in my discussions with members of the Sikh community in Hamilton, that they still face many struggles and barriers in terms of their ability to achieve the things they want to achieve for themselves and their families. One of the biggest ones in Hamilton East that I hear about from the community is still a frustration around an inability to find decent-paying jobs that support their families. Added to that, there is still a constant struggle and a constant fight to be able to have their various degrees and skills that they attain from their home countries recognized here in Toronto and Hamilton and Canada.

So while we celebrate Khalsa Day, I think we really need to recommit ourselves to working with the Sikh community, and other communities, quite frankly, to make sure that we are not only talking about the fact that we need to address some of the ongoing struggles that they're having but actually doing something about it. It's easy for announcements to come and for governments to say, "We are doing something," but when you go to the community and talk to the people and find out that after, frankly, decades of frustration their issues are still not being adequately addressed, that's really not appropriate.

1030

There are a number of engineers, doctors and other professionals I've met in my community who are simply not able to practise in their fields because of an inability to have their degrees or their credentials recognized. It's not only a loss for them but a loss for us as a community, as a society, that we do not have their contributions in our economy and into our way of life that we should have. That's totally disappointing at this point in time.

I thought I would take the opportunity to thank some specific people who have been working with me in the last little while since I was elected, and maybe even just a little bit before, and say hello to some of the people in Hamilton who I hope are watching today on this auspicious day. That would be Tom Varmaa, Tajinder Singh and Nick Bhalsar. Nick actually runs a restaurant on Queenston Road and Highway 20, and I've had the opportunity to dine there many times. It's wonderful food. These are just some of the people. There's the Punjabi seniors which operates out of a community centre in my riding. I have to say that they have, in all cases—there are many others that I can name. I could be here all morning, but these people particularly have taken it upon themselves to show me the ropes, if you will, welcoming me into the community, and continue to do so.

To all of those people—Tom, Tajinder, Nick, and the Punjabi seniors—I just want to say how proud I am to be able to stand up in the Legislature today and support not only in my debate—oh, thank you, Michael. Two of the most important people—how could I forget?—are Gurpreet and Sodhi.

Mr. Prue: Gurpreet is right over there.

Ms. Horwath: Gurpreet is right over here. She's on staff with our communications and cultural outreach department for the NDP caucus. Gurpreet and her family have been very supportive as well.

I really look forward to standing up and being recognized as someone who fully and wholeheartedly supports this bill. Again, I congratulate the member for bringing it forward.

Mr. Cameron Jackson (Burlington): As the Progressive Conservative advocate for citizenship in our caucus, I'm very pleased to rise in the House today and offer my support for private member's Bill 189, An Act to proclaim Khalsa Day in Ontario, and to congratulate my colleague the member for Brampton West–Mississauga for taking this important initiative to pay tribute to Ontario's Sikh community and its many historic and ongoing contributions to our province and to our great nation.

It's been my privilege to stand in this House on many occasions in support of the multicultural fabric of Ontario, as it continues to grow and strengthen, to remind us that we are in fact a complete province and nation of immigrants, and as such we're fortunate to be able to pay tribute to yet another group that has made Ontario what it is today.

This bill would establish an annual provincial recognition on April 13, Khalsa Day, that commemorates the founding of the Sikh religion by Guru Gobind Singh. This bill is deserving of all-party support in Ontario and is an additional way of celebrating the multicultural fabric of our society, of which the Sikh community is an integral part, and has been for many, many years.

The Ontario government has a very solid record of being in support of the traditions of multicultural celebrations here in the chamber at Queen's Park through various events, marking important religious and cultural days that punctuate the lives of Ontarians. As a proud Canadian of Ukrainian background—my own Ukrainian ancestors first came to Canada in 1893—I had the privilege of joining with my long-time parliamentary colleague John Yaremko in 1993 to help mark the 100th anniversary of the coming of the first Ukrainian pioneers to Canada. The plaque that was made and subsequently unveiled at that auspicious event now hangs near the main doors of the Ontario Legislature. For those members who are unaware, it's a very difficult thing to get a new plaque put on the walls in the Legislature. In fact, we had to take down an old one in order to put up a new one. But it's been my privilege over the years to participate in having three plaques placed inside this building, which is a rare privilege for a member, and I very much appreciate that.

My life as a cabinet minister, a legislator and a member of the House has been tremendously enriched by the privilege of attending many multicultural events throughout our province. These have all served to help us to better understand, through tolerance and understanding, the various aspects of Ontario's religious fabric, its political events and so on.

It has been my privilege to stand in the House, as many members have, to comment on global events and how they affect people who live in Ontario who still have many family members in their native country. For me, that was a very difficult and challenging period, which culminated finally in the fall of the Russian Empire and its control over the nation of Ukraine. So it's been my privilege to stand in the House to comment on those important events in the life of my particular heritage background.

The Ontario PC government began the traditions at Queen's Park of celebrating such important days as Eid-UI-Fitr and Eid-UI-Adha with our Muslim community, for example, including the reservation of a separate room here in the Ontario Legislature for anyone who wishes to observe the traditional daily Muslim prayers.

Canada's first African-Canadian television station celebrated its inauguration here at Queen's Park on Martin Luther King Jr. Day, an event organized by a former member for Scarborough West, Jim Brown, who himself marched in support of Martin Luther King when he was young.

Flag-raising ceremonies to honour the national days of Portugal, the Philippines, Poland and many others at Queen's Park also form a part of the multicultural legacy that we have experienced here on the floor of the Ontario Legislature.

I'm also very proud that the Ontario PC government enacted into law a large number of bills that likewise help celebrate our province's history and multicultural heritage—more so than any other government, I might say, in Ontario's history. Here's just a short list:

Among them is Holocaust Memorial Day or Yom Ha-Shoah, which remembers the six million Jews and other victims of the Holocaust of 1933 to 1945. That was initiated by my colleague the member for Halton, Ted Chudleigh. It received, I am very pleased to say, great all-party support in the Legislature. That bill made Ontario the very first jurisdiction outside of the state of Israel to honour the memory of the six million who perished in the Holocaust, and that is according to the lunar Hebrew calendar; in other words, the date for this annual provincial commemoration changes each year.

Thanks to the efforts of my former colleague in this House the member for Hastings–Peterborough, Harry Danford, Ontario now observes June 19 as United Empire Loyalist Day in honour of Canada's first multicultural immigration from the United States.

Following the American Revolution, as we know, American loyalists of 10 cultural groups, including Dutch, Highland Scots and others, came to Upper Canada where they were assisted in their settlement efforts by Ontario's first Lieutenant Governor, John Graves Simcoe. I might just say that the other half of my family are United Empire Loyalists, which speaks to my great love of the monarchy that comes from my cultural heritage, as my family on my father's side came from Pennsylvania during the American Revolution and settled in Gananoque. We still have a very large graveyard with

all of our ancestors there. We're very proud of that aspect of our contribution, both our loyalty to the crown and being able to count among our family some of the earliest pioneers in our province.

1040

Thanks to Wayne Wettlaufer, the former member for Kitchener, Ontario now observes the first day of Oktoberfest as German Pioneers Day. This day has been especially gratefully received by the many German companies that invest in Ontario's economy, and is still widely covered on European television as a prominent example of Canada's commitment to multiculturalism and of the fact that Ontario is perhaps one of the best tourist attractions in Canada. I always like to get that plug in.

I'd like to thank my colleague the member for Durham, John O'Toole, because now Ontario observes Irish Heritage Day on March 17, in honour of the tremendous Irish cultural impact on the very foundations of our province and our nation. On the day of second reading debate of that bill in the House, I remember with great fondness how all of the members present broke out into a rendition of *When Irish Eyes are Smiling*.

My colleague the member for Grey-Bruce-Owen Sound, Bill Murdoch, is responsible for the provincial observance of Tartan Day in Ontario on April 6. As in Nova Scotia and in Scotland, this day commemorates King Robert the Bruce's signing of the declaration of Arbroath following the defeat of the English at the Battle of Bannockburn. It pays tribute to our enduring Scottish heritage, which is likewise an integral part of the fabric of Canadian life. Again, I want to say on behalf of my wife's family, who are Scottish, that my father-in-law, who just passed away five weeks ago, was a direct descendant of Robert the Bruce. He was extremely proud of that, and there wasn't a Sunday dinner went by that we didn't get a revisiting of the history of the Bruce family and of the great contribution that Scotland has made here and abroad.

My former colleague from Bramalea, Raminder Gill, put forward his bill to declare South Asia day on May 5, and the entire month of May as South Asian Heritage Month, to pay tribute to those vibrant cultural traditions shared by this great group of Canadians.

It was my former colleague from Lanark-Renfrew, Leo Jordan, whose resolution for the completion of the Ontario coat of arms with appropriate augmentations included symbolism that celebrated Ontario's First Nations, French and multicultural people in the ongoing development of our province.

The current bill before us highlights yet another aspect of the great multicultural fabric of Ontario, the Sikh community. More than half of Canada's 150,000 Sikhs live in Ontario today. Even though the first Sikhs arrived in British Columbia at the beginning of this century, mainly as soldiers who supported the crown, their presence in Ontario came to be felt by the mid-1950s. The birthday of Guru Nanak was first celebrated in Toronto in 1954 at the residence here in Toronto of Kuldeep

Singh Chatwal. By 1965, there were more than 400 Sikhs in Toronto, and in 1969 the first gurdwara, or Sikh temple, was established on Pape Avenue. At present, there are 25 gurdwaras that serve as multi-use community institutions for about 60,000 Sikhs in Ontario. These institutions offer a wide variety of religious, educational and cultural programs that maintain and foster the Sikh identity. The exposition of the scriptures, known as *katha*, are delivered by the readers of the gurdwaras; the rituals are observed by the religious leaders or by visiting Sikh scholars from India, known as the *gyani*. The scriptures themselves are the *Guru Granth Sahib*, followed by the distribution of sanctified food, and for those of us who have had the privilege of attending Sikh temples on their holy days, it is a wonderful experience to participate in that ceremony. Afterwards, Sikhs and non-Sikhs sit together in an egalitarian spirit to share a common meal of Indian vegetarian food, such as flat breads, stew and curry. I recommend it to anyone to try; it's very good.

The rite of initiation into the Khalsa, or the "pure," must observe the code of conduct known as the *Rahit*. The most significant part of the *Rahit* is the obligation to wear the five items of eternal identity known as the five *Ks*. These are: unshorn hair, symbolizing spirituality and saintliness; a wooden comb, symbolizing order and discipline in life; a miniature sword, or *kirpan*, signifying divine grace, dignity and courage; a steel bangle, symbolizing responsibility and allegiance to the guru; and a pair of short breeches, symbolizing moral restraint. Putting on the five *Ks*, along with the turban, in the case of male Sikhs, symbolizes that the Khalsa Sikhs are dressed, in their words, "In the word of God."

The significance for full commitment to the Khalsa discipline has received new recognition by Sikhs in Ontario, especially young adults, after the Indian army's attack on the Golden Temple of Amritsar in 1984. Although the wearing of the five *Ks* has been supported in principle under the Canadian Charter of Rights, the Khalsa Sikhs have sometimes encountered problems wearing the *kirpan*, which is wrongly thought to be a weapon.

Ontario's Sikhs celebrate the annual Vaisakhi festival in the middle of April with a colourful march through the streets of Toronto and to the Ontario Legislature right here at Queen's Park. The procession is always led by the five beloved ones, followed by a float carrying the Sikh scripture. This procession is participated in by thousands of Sikh Canadians, who also mark this festive occasion with charitable donations to food banks, the United Way, blood donor clinics, the Red Cross and the Canadian Cancer Society.

The Sikhs of Ontario also take a keen interest in Canadian economic or religious matters by participating in inter-religious dialogues, and they have organized multi-religious services at their functions.

Sikhism emphasizes tolerance and the acceptance of diversity of faith and religious practice on the basis of universal brotherhood and humanitarian service ideals. The Sikh ideals are therefore most congenial to the

Canadian way of life. It has been my privilege to stand in support of Bill 189, An Act to proclaim Khalsa Day in Ontario, and I commend it to all members of the House.

Mr. Bob Delaney (Mississauga West): It is a pleasure and a privilege to rise in the House today to speak in support of Bill 189, a proposal by my colleague and long-time friend Vic Dhillon that Ontario annually celebrate Khalsa Day in tribute to the contributions, sacrifices and achievements of our province's vibrant and dynamic 300,000-strong Sikh community.

I also draw members' attention to the east members' gallery to recognize some friends of Vic's also here to help him support the bill. Please welcome Mr. Kewal Singh, Mr. Nachhear Singh-Chohan, Mr. Fauja Singh-Bains, Mr. Joginder Singh-Bains, Mr. Tara Singh-Bains and Mr. Ranjit Dulai.

The word Khalsa means "pure." Khalsas are Sikhs who have undergone the sacred Amrit ceremony initiated by the 10th Sikh guru, Guru Gobind Singh. The Khalsa order was initially created on Vaisakhi Day, March 30, 1699. That day, Guru Gobind Singh baptized five Sikhs and then asked the five Khalsas to baptize him. The guru then baptized thousands of men and women into the Khalsa order.

The Khalsa baptism ceremony is undertaken as part of one's personal spiritual evolution when the initiate is ready to live up to the high expectations of Guru Gobind Singh. All Sikhs are expected to be Khalsa or to work toward attaining it. The Khalsa baptism ceremony involves the drinking of Amrit, or sugar water stirred with a dagger, in the presence of five Khalsa Sikhs as well as the Guru Granth Sahib. The initiate is instructed in the following: never to remove hair from any part of the body, not to use tobacco, alcohol or other intoxicants, not to eat the meat of an animal slaughtered incorrectly, and not to commit adultery. Baptized Sikhs may choose to wear the physical symbols of a Khalsa at all times and to follow the Khalsa code of conduct. Let's review one more time these symbols of Sikhism.

1050

"Kesh" means long, unshorn hair and is a symbol of spirituality. Kesh reminds a Khalsa to behave like gurus and shows the acceptance of God's will. Jesus, Moses and Buddha also wore their hair long, to put it into perspective.

The Sikh turban is probably the most visible symbol of the Sikh people. It denotes royalty and dignity. Few types of headdress make a man look more distinguished. Though the turban is a common feature in Eastern and Middle Eastern cultures, Guru Gobind Singh used this cultural symbol as a religious hallmark to enhance the self-esteem of Sikhs. It differentiates Sikhs from other religions whose followers have long hair and cover their heads in different way. The turban cannot be covered by any other headgear and should not be replaced by a cap or a hat. Today the turban is widely worn by Sikh men. In Canada, our institutions have adapted to the turban for Sikh men. Our armed forces and police forces now allow Sikh men to substitute a uniform turban for the uniform

headgear worn by non-Sikhs and, quite frankly, it looks terrific.

The kanga is a comb that is a symbol of hygiene and discipline. The kara is a steel bracelet, to remind the wearer of restraint in their actions and remembrance of God at all times. The kaccha is an undergarment signifying self-control and chastity.

The kirpan is a ceremonial sword. It is worn as a religious symbol and not as a weapon. The kirpan is a symbol of dignity and of the Sikh struggle against injustice. When a Khalsa meets another Khalsa, he will greet him by saying, "Wahe Guru Ji Ka Khalsa. Wahe Guru Ji Ki Fateh," which means, "The Khalsa belongs to God, victory belongs to God."

Sikhs first came to Canada to build the transcontinental railway in the 1880s and stayed to keep building Canada. Canada's oldest gurdwara is in Abbotsford, BC, just east of Vancouver, in the Fraser Valley. In 2002, the government of Canada recognized it as a national historic site.

Today, Canada in general and Ontario in particular are blessed by the contributions of hundreds of thousands of Sikhs, not merely those who came here from the north-west Indian province of Punjab, but those who have built their lives, their careers, their families, and our communities, here in Ontario and in every Canadian province. All our institutions, our charities, our hospitals and our schools know about the generosity of our Sikh community. My colleague the member from Brampton Centre has mentioned how generous the Sikhs have been in the building of the new William Osler Health Centre, and their generosity just begins there. Not a single charitable institution, especially in our vibrant multicultural region of Peel, has been untouched by the generosity of our Sikh community.

It's the generation born here, or raised and educated here, like Vic and his children, who are putting a distinct Sikh taste in what it means to be Canadian, just as my own forebears did five generations ago, when they showed Canadians how Irish Catholics could embrace this cold land with their humour and warm it with their legends and their culture, and how they, like our Sikh community, could make Canada their home too.

We all celebrate St. Patrick's Day, and my colleague the member from Durham has moved a bill to make that day Irish Heritage Day. On that day, Canadians make everybody Irish for one day, and I say let's celebrate Khalsa Day every April 13 and let's make all Canadians Sikhs for a day. I have been told that the Punjabi translation of my own Irish name is Balbir Singh.

Like St. Patrick's Day, Khalsa Day doesn't ask our Legislature for a statutory holiday, merely a day to commemorate a magnificent and proud people, a community whose symbols and prosperity are among the most visible in our multicultural Ontario.

The Acting Speaker (Mr. Ted Arnott): Further debate? OK.

I will return now to the mover of the motion, the member for Brampton West—Mississauga.

Mr. Dhillon: I'd like to thank the members who have spoken in favour of my bill: the member from Beaches–East York, the member from Brampton Centre, the member from Hamilton East, the member from Burlington and the member from Mississauga West.

I'm very proud to have had the opportunity to introduce this bill in the House. It means a lot to me and to my community. The member from Hamilton East mentioned that there are some shortcomings and difficulties that the community is facing. I am going to do whatever I can, along with the support of our Premier. The Premier has supported and I'm sure will support the initiatives that will be needed to address some of the shortcomings that we have. For example, our government has taken action with the upgrading of skills of new immigrants, and we've contributed significantly toward funding for ESL in our schools. So we are taking action to support the new communities that are arriving in Ontario.

The Premier has attended past Vaisakhi celebrations, and I understand he will be attending this coming Sunday. That goes to show our support for the Sikh community. I want to thank Mr. Kewal Singh, who is here from Winnipeg—he was of great support to me in doing some of the research—and Mr. Baldev Sandhu. They helped me quite a bit with the introduction of this bill. I thank all of the members of the House.

FIRE PROTECTION STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA PROTECTION CONTRE L'INCENDIE

Mr. Prue moved second reading of the following bill:

Bill 184, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes / *Projet de loi 184, Loi exigeant que le code du bâtiment et le code de prévention des incendies prévoient des détecteurs d'incendie, des systèmes d'alerte d'incendie interconnectés et des sorties de secours incombustibles.*

The Acting Speaker (Mr. Ted Arnott): Pursuant to standing order 96, the member for Beaches–East York has 10 minutes for his presentation.

Mr. Michael Prue (Beaches–East York): This morning at 9:30, there was a news conference in this building. I would like to thank at the outset the people who attended that news conference. Present were Fire Chief William Stewart of the Toronto fire department and Scott Marks, the president of the Toronto Professional Fire Fighters' Association. He was also the captain on duty—I'm going to refer to it—during a very tragic and historical fire in the Beach in 1999. I had Gail Nyberg, executive member of the Metro Tenants' Association, and Mr. John Argue of the Ontario Coalition for Social Justice. Their insight was extremely valuable and was very much appreciated.

There was another speaker at the press conference this morning to whom a simple thank you does not properly

express my gratitude for the work he has done in improving fire safety in the province and bringing this bill forward today. His name is Tom Steers. Tom is here in the members' gallery today.

In 1999, Tom was engaged to Linda Elderkin, a resident at 2362 Queen Street East, in the Beach. At approximately 3 a.m. on January 14, 1999, a fire started in the living room of the apartment directly below Linda's. The fire spread quickly and the residents fled the building. No one, however, activated the manual pull stations that would have triggered a building-wide alarm. Meanwhile, Linda and her roommate, Paul Benson, remained unaware of the fire. Finally, the heat from the fire became so intense that it began to melt the system's wiring. The building's alarms were finally triggered. This occurred far too late in the lifetime of the fire. Linda and Paul's exit down the main hallway was blocked, and they eventually discovered that the rear wooden fire escape had become engulfed in flames and was therefore inaccessible. They died waiting for rescue.

1100

Following the terrible events of that night, Tom, along with the family of Mr. Benson, fought hard to have an inquest into Linda's and Paul's death. That inquest took place in 2000 and produced 28 recommendations for change in the Ontario fire code. Upon receiving the results of that inquest, Tom has devoted an enormous amount of his time and energy to battling to see them implemented so that others need never experience the personal tragedy that he did on that terrible night. I believe that a lesser man would have given up years ago. But thanks to him, we are today able to bring forward a bill that would implement two of the chief recommendations of the coroner's inquest: first, that interconnected fire detectors be made mandatory in rental buildings, and second, that the fire code be amended to ensure that fire escapes are made of non-combustible material. It is my belief that these two recommendations make good sense and would work to save lives in our province.

I would now like to talk about the provisions. The first was suggested by the inquest jury. They discovered that the manual pull stations in use at 2362 Queen Street were never activated during the fire. There are many reasons why this happens. It's not hard to imagine that tenants leaving a building are in a panic. Their building is on fire. They run out the door and forget to pull the alarm themselves, or, even if they remember, they think someone else is going to do it. The sad reality is that no one did. Had an interconnected alarm system been in place, the moment the fire got out of control the entire building could have been notified and Linda and Paul would have had a much greater chance of escape.

Bill 184 amends the fire code and the Fire Protection and Prevention Act to ensure that interconnected fire detectors are made mandatory in the common areas of a building with more than one rental unit.

I suspect that many people's initial response to this provision is somewhat skeptical. The first thought that goes through your head, if you've lived in an apartment,

is that if they're interconnected, what happens if someone burns the toast and then everybody's alarm goes off? But that is not the case here.

I want to make it clear that what is being called for in this bill is that the interconnected alarm system be installed in the common areas of the rental buildings, that is, in the hall and the foyer, so the burning of toast or a small kitchen mishap isn't going to set off every alarm in a building. If a fire is intense enough to send smoke into the hallways of a building, then I believe every resident of the building should know about that right away. This bill provides for that.

The second provision of the bill would outlaw wooden fire escapes for any building in the province. The need for this section of the bill is obvious. Had wooden fire escapes been deemed unacceptable in this province in January 1999, Linda and Paul might still be with us today.

Section 9.4.7.13(3) of the Ontario fire code currently reads, "Fire escapes shall be of metal or concrete, except that wooden fire escapes may be used on buildings of combustible construction if all posts and brackets are at least 89 millimetres in their least dimension and all other woodwork is 38 millimetres in its least dimension."

This regulation is weak. It opens up the door to inadequate fire protection, and it needs to be changed. This is especially true when you think of who is living in the buildings that are made of wood and still have wooden fire escapes. The reality of these types of buildings is that they often house low-income residents, students, families on social assistance and new Canadians.

Bill 184 is a small, simple, effective way of increasing safety for a vulnerable population.

The city of Vancouver has realized this. They have tremendously strong safety legislation. Their fire laws not only make provision of interconnected smoke alarms mandatory, but they also require the installation of home fire sprinkler systems in new buildings. It has been an enormous success there. Last year, the number of fire-related fatalities in Vancouver, the third-largest city in Canada, was zero. In 2003, fires in Ontario took the lives of 110 people and seriously injured scores more. Obviously there is a desire to implement some similar forms of legislation that would seek to mimic Vancouver's fire bylaws and, hopefully, its low fatality rate.

I commend the member for Brampton Centre for her Bill 141, the Home Fire Sprinkler Act, which she brought forward earlier this year that would require the installation of fire sprinklers in new detached, semi-detached and row houses in Ontario. It is an absolutely excellent idea and would complement Bill 184. I wish it speedy passage.

However, it brings me back to my point about the need for legislation that provides fire safety for our most vulnerable populations. The lowest-income residents of Ontario are not moving into new houses, semi-detached or otherwise. They are living in overcrowded wooden apartment buildings with wooden fire escapes and shoddy alarm systems. They need a better level of fire

protection than they are currently getting from our government. I would therefore respectfully call upon members from all three parties to join and pass Bill 184. Your support is greatly appreciated, not only by me but by all Ontarians who know the terrible consequences of inadequate fire safety standards.

The tragedy that took place on Queen Street in January 1999 need not be repeated. We have an opportunity here, with the passage of a very simple bill, to make sure that people's lives are protected. We know there may be some costs involved for landlords and people who rent out these apartments. We know it will cost some money to rewire an apartment building. We know it will cost some money to take down wooden fire escapes and put in metal or concrete ones. But I will tell you, how much money is going to be spent is infinitesimal in comparison to the lives of the people we hopefully will save by this bill.

Please ensure that the tragedy that happened to Mr. Steers, who is here today, to his loved ones, to the people in my riding, does not recur. I ask for all-party support to put an end to this hazardous situation.

Mrs. Linda Jeffrey (Brampton Centre): I'm pleased today to speak to Bill 184, the Fire Protection Statute Law Amendment Act, 2005. I would like to congratulate the member from Beaches–East York for his vision. I'm very happy to see any fire protection legislation come forward.

In 2003, fire claimed the lives of over 110 Ontarians, and over the past five years, 661 Ontarians have died due to fire. In 2003, the property damage caused by fire was estimated at \$457 million. Since 2001, residential fires alone have cost Ontario almost \$1 billion in property damage. This figure does not include the significant cost to our health care system and doesn't represent the human cost for the families and friends who lose their loved ones in fire. Further, the most vulnerable in our society, our seniors and our children, made up 40% of the fatalities due to fire in 2003. In 2003, more than 87% of fire deaths occurred in a residential building.

We must prepare for future growth now. Urban sprawl has made it difficult for our emergency services to keep up with the residential buildings that are springing up across Ontario, especially in the GTA.

There is no single answer to the fire problem; rather, for Ontarians to effectively protect themselves from fire, we need to use a number of strategies. It's clear that simply having a smoke alarm is not enough. Fire alarms cannot protect you from fire, and often a fire is out of control by the time people in the residence are warned by a fire alarm. By the time a parent realizes the house is on fire, it's too late to save her children. By the time a child realizes there is a fire, it may be too late to save an elderly parent. By the time an elderly couple realizes their home is on fire, they may already be trapped.

Installing both smoke alarms and a fire sprinkler system reduces the risk of a fire death in a home by 82% in comparison to having neither, which is why in November I introduced Bill 141, the Home Fire Sprinkler Act, 2004,

into the Legislature, where it received second reading on November 25 and was sent to the standing committee on the Legislative Assembly.

1110

Smoke alarms definitely help save lives, but the number of smoke alarms that have not been maintained properly is staggering. Sprinklers are an automatic device, a technology that requires no human intervention or reaction. Sprinklers are like having a firefighter in your home 24 hours a day, seven days a week. It is a proven technology, like air bags, that doesn't rely on changed human behaviour to prevent an accident or a loss of life.

In 1990, Vancouver, BC, became the first Canadian city to enact a residential sprinkler bylaw. In the 10 years since its enactment, while there have been a number of deaths in homes that were unsprinklered, there hasn't been a single fatality in a home that was sprinklered.

A national study commissioned by Duracell and the Canadian Association of Fire Chiefs revealed that 48% of Canadians feel that they have almost no chance of being in a house fire. The study also found that while 64% of Canadians claimed to have a fire escape plan in place, 63% of those Canadians actually failed to practise their escape plan even once.

According to CAFC, one of the most crucial precautions is having a working smoke alarm. Only 28% of Canadians surveyed had replaced the batteries in the alarm twice; 19% admitted to never having replaced their batteries. Reliance on smoke alarms is clearly misplaced. Frequently, they aren't functioning and receive little or no maintenance to ensure that they're working.

The age group of 65-plus constitutes 25% to 30% of fire fatalities in Ontario every year. This demographic is getting older and they're having more difficulty hearing working smoke alarms. As well, the reaction time is likely slower. The installation of home fire sprinklers would allow seniors to remain in their homes longer and enhance their quality of life.

One in 10 Canadians has experienced a home fire and, sadly, on average, over 100 people in Ontario die in a fire each and every year, with the vast majority of these deaths occurring in a home, the very place that people should feel safest and have the greatest amount of control or influence.

I guess my question on this particular bill to the member for Beaches–East York is the terminology. I'm a little confused on the difference between a fire detector and a smoke alarm, and I believe the wording is likely based on the coroner's report and recommendations.

Fire detectors are connected to fire alarm systems, which have bells and panels and a manual pull system at all the exits. I think the member is talking about a smoke alarm that's in your home or in a group or lodging house and small dormitories. Those only cost a couple of hundred dollars, whereas fire detectors and fire alarms are an \$8,000 to \$10,000 cost. I believe that isn't what the member recommends. So if there could be clarification in his bill, that would be appreciated.

Fire alarms would be connected to a panel, and they always have been interconnected. Smoke alarms aren't.

The recommendations, I believe, have come from lay-people. So that's a confusion that I would like some clarification on. Because it's the fire code that is being amended, is it the intention of the mover of this bill to make these provisions retroactive? That would be my question.

I agree with the member from Beaches–East York that this is important legislation. I'm happy to support it, and I believe the time is right to make Ontario a national leader in home fire safety. I'm happy to support this legislation.

The Acting Speaker: Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brook): I'm pleased to rise today to speak in support of the bill being brought forward by my colleague from Beaches–East York, the Fire Protection Statute Law Amendment Act, 2005, and I want to point out that he is wearing a tie with a fire engine. He is always very good at dressing with appropriate ties for the topic of conversation. So I just wanted to point that out.

Being serious and getting back to the bill, when a fire takes a life, it is a tragic thing, and it's especially upsetting when it's a death that could have been prevented.

Prior to coming here, I've spoken many times about the fact that I did nurse in various places around the world and I've certainly seen injuries that took place as a result of—fires were the most traumatic that we could see. I remember working on one of the cruise ships, where there was an explosion in an engine room, and the fire burns and the trauma experienced by all of us in trying to get adequate medical care when we were out at sea, and the good resources that were available to us in the short time and the airlift that took place there. So they are quite devastating, and I think the more awareness we can have to prevent such burns from occurring and such loss of life we need to bring forward.

That's a great part of this day on Thursdays, the private members' bills, where we're allowed to debate some issues that are of concern in our communities and to bring them forward. Bills like this address the health and safety of people in our communities and individuals and groups who don't get addressed in the normal legislation of the government. I know there are several members who have tried to bring forward their bills on different occasions, and some of the time those efforts are rewarded and their bills are passed, or, as is more often the case, the government recognizes that something does need to be done and they introduce their own legislation, which I think we're hoping for here today. That recently happened to the member for Toronto–Danforth when she introduced a bill, and I hope the member for Beaches–East York will get a faster result than her bill did.

The first step, however, is for this group of members to examine the proposed legislation to see if the bill raises issues that are worthy of closer study by a committee. In this case, I think the member from Beaches–East York has brought forward a bill that does deserve further study.

I recently had a fire on my own property, just over a year ago, and certainly there was a lack of appropriate detectors in that situation or we would have been alerted sooner to the situations that were there. The local fire department of Galway-Cavendish-Harvey did respond promptly and in a truly professional manner for a volunteer fire department, so I thank them for that.

I could not begin to imagine what it must have felt like for Linda Elderkin and Paul Benson to know that there was a fire in their building and that their only route to safety had been burned away. It must have been terrifying for them to lose their lives in this way, waiting for help that could never get to them. I'm quite frankly shocked to learn about the fire escapes that are made of wood, the things you find when these private members' bills are introduced and when you do some research. It's just a totally counterintuitive idea to have a wooden fire escape. Why wouldn't we ask builders to find better materials to use in the construction of fire escapes?

I worry a little bit about the bill's wording: "non-combustible." I worry because almost everything is combustible at some point if exposed to high enough heat for a long enough time, and that certainly happened in the 9/11 situation. This is something that I think could be ironed out when we take it to committee for further study. Clearly, wood is not the answer, but we need to define more clearly what is meant by "non-combustible material."

I noticed as well when reading through the bill that the coroner's inquest had recommended there be mandatory interconnected alarm systems in multi-residential buildings of six or more units. In this bill the number has been dropped to two, and there is good reason why the member from Beaches-East York has decided to take this route. But it's not information that we have here today, and I would certainly be interested in further study that would come out of that.

The member for Beaches-East York has worked hard to obtain the support of several groups for this bill, including the Toronto Professional Fire Fighters' Association, the Federation of Metro Tenants' Associations and the Ontario Coalition for Social Justice.

For something like this to move forward and eventually become a law, I think we need to hear what the building code commission thinks of this bill. We should also know how fire departments and fire chiefs will respond, not just here in Toronto, but across the province. We should also try to find out what the builders think. I was meeting with the Haliburton builders' association last night and did ask them, and they were quite supportive of this bill, just to get the feedback from a builders' association. All of these perspectives need to be heard, and I'll certainly be supporting the bill and moving it on to the next stage in the committee.

But I want to bring up an issue that I know is very close to the Speaker today and myself, and that is the issue of the double-hatters.

Interjection: Hear, hear.

Ms. Scott: Absolutely. I hear it from my other caucus members too.

It's a little confusing when it comes to fire safety issues in rural communities. We depend largely on fire departments staffed by volunteers. I mentioned my own personal case, but I see them all the time across our rural communities. The double-hatter firefighters need help to protect our communities. I think we've lost 15 double-hatters in the city of Kawartha Lakes. It really threatens our safety and security in our small communities. So I'm giving a plug to the member from Beaches-East York to please keep in mind our rural areas and that our need for double-hatter firefighters, for our own safety and protection, is there. I want to commend my colleague Ted Arnott for all the work he has done in drawing it to the attention of the Legislature.

1120

Applause.

Ms. Scott: There's support on the other side, Ted. I'm happy to see that.

I think 166 municipalities have passed resolutions supporting the double-hatter firefighters bill. They play a role in terms of public safety, in terms of providing expert support to the other volunteer firefighters in our communities.

One of the points raised in the letter from the Toronto Professional Fire Fighters' Association is that they support having trucks respond to fires with a minimum of four personnel. As someone who comes from the rural community, it's hard to maintain that staffing level in the full-time fire service. I cannot understand why we cannot recognize that in different communities one size does not fit all in respect to fire services.

When we set up rules in this place, we have to remember that settings apply not just in Toronto; they apply in Cannington, they apply in Lindsay, they apply in Woodville, as well as in London and Verner. So I would like the member for Beaches-East York to re-examine his stand on double-hatter firefighters right now, as we're supporting his bill for safety. I think he should look at some of the rural concerns that we have.

I would be willing to support this bill. He spoke very passionately, when he introduced this bill, about the need for changes in the fire code. I'm pleased to have the opportunity today to bring some more issues to the forefront and to support the member from Beaches-East York.

Ms. Andrea Horwath (Hamilton East): It is my pleasure to speak to Bill 184, presented by my colleague from the riding of Beaches-East York this morning. I think it's obvious that firefighters in communities across the province are, to most of us and our constituents, local heroes. They really do a lot of hard work in our communities; they do a lot of dangerous work in our communities. When a fire is happening, most people are running away from it. But it's the firefighters who are running into it to try to deal with the property and also the people who might be caught in that tragic situation.

I know that my opportunities locally working with the staff who work in our firefighting service in the city of Hamilton have been great. The people there are very dedicated. They do not only their professional work as

firefighters, but they so often participate in many other ways in the life of our community, through various fundraising and charity efforts. I can remember taking my son many, many times when he was young to a firefighters' variety show, the purpose of which was to raise funds for the burn unit in Hamilton. That's just one example of the great work that the firefighters do. I wanted to take the opportunity to thank some of the firefighters in my local community before I start speaking to the bill specifically.

Currently, the city of Hamilton has a city manager who was the previous fire chief. Mr. Glen Peace was our fire chief for several years, in fact was a firefighter for a while, went to Burlington and worked there for a while, came back to Hamilton as our fire chief and is now our city manager at the city of Hamilton. His shoes were filled in the fire department by a fellow named Jim Kay, and both of them have provided some excellent leadership to our fire department from the perspective of being chief.

We also have a very active professional firefighters association in Hamilton, very engaged in the Hamilton community, very much working with not only the people of Hamilton, but the Hamilton councillors. That was my experience when I was there, so I thought I should mention them, because they are a great group of guys. The president is currently Henry Watson, who, if I'm not mistaken, spent some time at the provincial organization, as the president provincially. He's back in Hamilton as the local president. His treasurer is a fellow named Brian Stark; the secretary is a good friend of mine, Ron Summer; the first vice-president is Stanley Double; the second vice-president is Tim Rankin; and the trustee is Ed McGrane. I just wanted to mention those guys, as well as another fellow named Larry Staples, who for a long time was active on the association.

These are the people who do their work on the line when they're called to a fire. They are there fighting fires, but they're also the people who provide the leadership within the association. They spend a great deal of their own personal time working on improving the framework we work under in communities in regard to firefighting. I know that sometimes there has been tension between what the associations want and what the cities are able to provide in terms of staffing, equipment and those kinds of things, but those people are there constantly making sure that not only the public, but also the councillors and city representatives are being educated as to what's happening in modern firefighting.

I can tell you that they also spend some time working with children and in schools, trying to make sure children are aware of the dangers of fire and of the kinds of trouble they can get into if they're not being safe around things like candles or other kinds of flames.

I'm very pleased to be able to speak to this bill and I look forward to supporting it in every way I can. As has been mentioned, it comes as the result of a coroner's inquest. It's the result of a fire that took place in the riding of the member for Beaches–East York. He has

taken the initiative, with the help of one of the people who lost a loved one in the fire, to bring this forward.

If I can just say what some of the recommendations were from the coroner's inquest, I think it is important.

A coroner's inquest was held into the 2362 Queen Street East fire in the year 2000 and it produced a full 28 recommendations for amendments to the Ontario fire code. The coroner's jury recommendation 1 made it clear that the need for mandatory interconnected alarm systems was imminent, stating that, "The Ontario fire code should provide that in multi-unit residential buildings of six or more units, the following requirements need to be met: (a) approved interconnected automatic fire and smoke detection equipment with audible alarms installed in the common areas of each and every floor, and (b) the smoke detection equipment in the common areas should be directly connected to the fire alarm system to eliminate the need for occupants to activate pull station alarms."

The coroner's jury recommendation 4 describes the need to outlaw wooden fire escapes, stating that, as the jury heard, fire spread to the wooden escape and rapidly made escape impossible. They recommended that, "The retrofit provisions in part 9.5 of the fire code be amended to require that fire escapes be made of non-combustible material."

As the member for Beaches–East York mentioned in his remarks, the city of Vancouver has already undertaken updates to their fire code to make sure these kinds of issues have been covered off. It's a long time coming. It's now five years since that fire occurred, and there's no doubt in my mind that these recommendations in Bill 184 should be implemented immediately.

To be specific, the bill almost completely reflects those recommendations. It seeks to implement recommendations 1 and 4 that I spoke of. The purpose is that the language in the act would be introduced so that there would be an assurance that, "Every residential building with two or more dwelling units is equipped with fire detectors in all public corridors and common areas of the building and interconnected fire alarms that are audible throughout the building," and, "Every fire escape is constructed of non-combustible material."

It's really interesting to see who has come out to support this bill. It's interesting because those of us who represent ridings that have an older stock of housing will know that, in many cases, these kinds of problems exist in older units that have, over time, for one reason or another not been updated or upgraded. Unfortunately, it is often people who are fairly vulnerable who live in those kinds of units.

1130

I say that because I know quite clearly that in Hamilton there are a number of units, a number of buildings—and you can't generalize that it's this kind of building or that kind of building. There are low-rise walk-ups, for example; there is old stock from the 1960s, what we would call medium- to high-rise; there are single-family homes that are large Victorian-type homes that have been converted into smaller residential units or flats. There are

a number of different types of housing that exist, and the unfortunate thing is that oftentimes it is the lower-cost housing that is this older stock. The lower-cost housing, then, sometimes becomes home to people who we can call very vulnerable. Who are those people? They are people like new immigrants, who might not have a good grasp, at their initial move in, as to the procedures for a fire emergency. They are people who are low-income, people who are senior citizens, oftentimes isolated people who are unable to have the contacts that give them the supports to make sure that their accommodation is appropriately fail-safe or safetied with appropriate fire alarms and smoke detectors and those kinds of things, as is required by law.

I wanted to take the opportunity to just read a couple of letters that were sent in support of this bill, because I think they really reflect some of the issues that I was just talking about. The first one is from the Ontario Coalition for Social Justice, and it is to Mr. Prue. It says:

"Dear Michael,

"Thanks for informing the Ontario Coalition for Social Justice ... of your initiative in tabling the Fire Protection Statute Law Amendment Act, 2005.

"Persons who have been active in the OCSJ and who live in various locations in Ontario support two aspects of your bill in particular. The requirement for interconnected fire alarms in residential buildings with two or more dwelling units and the requirement that fire escapes be constructed of non-combustible material seem elementary precautions to offer more protection to residents. Indeed, we are surprised that these requirements are not mandatory already." I think that's probably the sentiment of many people.

"The OCSJ is concerned especially with the lives of low-income persons in Ontario because they are more likely to live in buildings which are less safe than homes whose owners can afford to install up-to-date safety equipment. The passage of your bill would assist the very population in Ontario which needs help with elementary safety, because low-income persons are less likely to be able to afford such protections or to have the confidence to demand such protection from landlords on their own.

"As well, we want to note that statistics are clear about the increased danger which older residents face about residential fires, and we believe that your bill will ensure greater protection to seniors in Ontario as well.

"We do hope that MPPs from all political parties support your sensible measures."

The other one is from the Federation of Metro Tenants' Associations. It says:

"Dear Mr. Prue,

"The Federation of Metro Tenants' Associations welcomes the opportunity to support your private member's bill, the Fire Protection Statute Law Amendment Act, 2005. We also congratulate you for bringing the matter forward.

"It is our firm belief that these regulations:

"(1) every residential building with two or more dwelling units to be equipped with interconnected fire alarms, and

"(2) that every fire escape to be constructed of non-combustible material;

"are entirely appropriate and the fire code should be amended to include them.

"The Federation of Metro Tenants' Associations will be sending a representative to the Legislature on April 21 for the debate in the Legislative Assembly.

"Thank you once again for bringing forward these valuable amendments."

That's signed by Vivienne Lopenen, the chair of the FMTA.

As you can see, it's the people who are intimately aware of what's happening in the residential stock—particularly in Toronto, but certainly many other older communities as well face the exact same problems and the exact same dangers in older residential stock. Unfortunately, the code, as it sits, does not force these repairs to be made unless there are major renovations taking place to a unit.

Coming from the municipal sector, I can tell you that the other challenge we're going to face is providing supports to municipalities to be able to carry out some of the inspections that are going to be required to make sure that this bill is realized, that it's not just accepted here in Queen's Park, but that once passed by the Legislature, which I'm sure it will be, it is actually implemented. The only way to ensure the implementation is to make sure that municipalities are provided with some supports and resources to be able to be proactive in ensuring that these measures are undertaken by landlords and owners of residential rental units in our communities.

I know that municipalities are very challenged these days. We hear about it quite often in regards to lack of funding from the provincial government, a concern about their lack of ability to meet even the basic needs of their communities, having to cut back on budgets or being in deficit positions with their budgets. I would only hope that as we move forward with this initiative Mr. Prue has so appropriately and wisely come forward with, we also recognize that in order to ensure that it is implemented to its fullest extent, thereby protecting all tenants in rental housing in Ontario, the resources and commitments to those resources need to be put in place so that municipalities can then enforce the new legislation that is before us, once it passes all the processes and receives third reading and royal assent.

Once again, I want to thank the member from Beaches–East York, Michael Prue, for bringing forward this bill. I look forward to assisting him in making sure it gets all the support that's necessary in this Legislature.

Mr. Dave Levac (Brant): I appreciate the opportunity to make comment on Bill 184. Let me start by offering to the families of Linda and Paul my own, my caucus's and the House's condolences for the suffering that you've endured and continue to endure while looking for some solutions and answers. I want to commend the member from Beaches–East York for responding to that need, and also for responding to a provincial need.

The member from Hamilton East spoke on the social aspects. I fully agree with her that in this particular era—

I want to go out on a limb and simply say to you that it's time for us to end this slum landlord activity that's been going on in the province. It's not just with one area of the province; it's in many areas of the province. I would suggest very clearly that we need to tighten up and strengthen these bills wherever we have an opportunity to make sure that people understand that we're not going to tolerate these kinds of actions.

Enforcement is another part of that. The building code has been reviewed and improved upon, and I'm happy to say that all governments of all stripes have been continuing to add to the safety of the people of Ontario. Let's make sure we understand that this isn't just about one insular issue, that the families are going beyond their tragedy and asking for these reforms so that it doesn't happen again to somebody else in the province.

I want to commend the member for bringing that to our attention. I also want to suggest to the member—in my brief conversation with him, I made a commitment to him and I got that commitment, and that was that the Minister of Municipal Affairs and Housing's staff, along with the staff of the Minister of Community Safety and Correctional Services, will be reviewing and meeting to discuss your bill. I've asked them to include you in briefings to ensure that we get the best bill possible. I think that's what we should be working for in this House. That's what we're looking for: to achieve the best we can for the people of Ontario. I commend him.

This is private members' time. That's when we get the best legislation: when we get all parties talking in the same voice at the same time about the same issue. The people of Ontario need to see more of this than the little raucous stuff that goes on back and forth in question period, although that has a role; it's important.

I want to commend the member for bringing this very important bill forward that speaks to the people of Ontario, that says to the people of Ontario, "Not only will we be reviewing what's already presently done in the building code, the fire protection act and all of those things that are there for our public safety, but we will be wise enough to recognize there are flaws." We would do that, and we should be doing that, on a regular basis.

1140

I have one more quick comment, and I know my time is very limited. Another example: my colleague from Brampton Centre, Linda Jeffrey, has offered us Bill 141, the very companion to the member's bill about sprinkler systems. What we should be doing is making sure that we do a full analysis of these wonderful private members' bills, particularly—I want to stay focused—the member's bill. He has pointed out some flaws in the building code. He has asked us to consider those things. I've got assurances from both ministries that they will be participating in this, and I support the other members' comments about making sure that we get this to committee, so that we can analyze and improve the bill—not bury the bill; improve the bill—and come out with legislation that protects the citizens of Ontario. I commend the member highly for bringing this forward, for taking a

tragedy and turning it into something that I know the families want to do, and that is to make sure that it doesn't happen again in the province of Ontario, to the best of our abilities.

I want to make one last comment about this slum landlord activity. It is about their ability to take money out of people's pockets as cheaply as they can. I say, "Shame on you. Shame on those people out there who put people at risk, just so you can make a few bucks and live somewhere else, high on the hog." Let's get this thing done so that we can force the people to take care of those buildings once and for all.

Mr. Tim Hudak (Erie—Lincoln): I'm pleased to rise and contribute to the debate on Bill 184, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes, standing in the name of the member for Beaches—East York.

I want to commend the member from Beaches—East York, who has brought this important and weighty matter for debate as part of private members'. I know in his career as a municipal leader as a former mayor, and here in the Legislature, it has been an issue very close to his heart, and it's very fitting that this is the topic that he's chosen for his private member's bill today. Like my colleagues, I will be supporting the member's bill and hope that we will see action on it.

I was pleased to hear the comments from the member from Brantford in his passionate speech from just a few moments ago, and to hear those commitments that the Minister of Municipal Affairs and Housing will be following up on this legislation. I see that the hard-working Chair for the general government committee is standing there. She runs a strict and on-time committee. Maybe they'll send it to the general government committee, and we'll look forward to participating in that.

A few of the observations I would have in my time today—and hopefully, from the Ministry of Municipal Affairs' commitment we heard about a few moments ago, the processes will mesh together. I understand that, typically, fire code and building code amendments are looked at by a multi-stakeholder committee. These seats would usually be designated to various experts in the various administrative groups, or code enforcement officials. For example, building inspectors would be part of that committee; architects, engineers, and industry representatives. That way you would have a comprehensive look at improvements to the fire code and to the building code. You want to be sure that any changes are written in a logical and sensible manner, and fulfill the objective of protecting the safety of building occupants. You want to take a holistic approach to make sure the parts all work together to protect the safety of the residents of these buildings.

I know that the bill as written would directly amend the Ontario building and fire codes with specific prescriptive requirements. I don't know if that is the usual course, if that's one the government is contemplating adopting. I'm seeing some positive signs from across the

floor, so congratulations to the member from Beaches–East York in moving this to this level of interest on the government side, and certainly the official opposition is supportive of that progress.

I would add a few other comments as well. We need to ensure that the costs of implementation are done in such a way that any investments in fire code improvements or building code improvements maximize the benefits to residents and minimize the impact on property or damage—hopefully not any damage to individuals—that whenever you make an investment in improving public safety, you do it to maximize the benefits among the series of options. That's why, if the ministry is looking at this and uses a multi-stakeholder approach from those who have a great deal of expertise in the field, that's probably the best way of doing so, to make sure that the cost of implementation is done to maximize the benefits to individuals and their property.

I think there's no doubt, if we have what sounds like all-party support and potentially all-member support for this bill, what a strong signal of encouragement to the ministry and to the committee this would send. It sounds very encouraging that that may be the case as we move to our vote in a few short minutes.

Whenever I look at you, Mr. Speaker, I can't help but think of Bill 52, on the topic of fire safety. I do want to compliment the Speaker on that initiative. I was just at the Lincoln firefighters' awards ceremony two weekends ago, where Chief Ken McMullen was awarding firefighters for their years of service: the volunteers who do an outstanding job protecting the people of Beamsville, Vineland, Jordan and Camden throughout the Lincoln area. In my thanks to those firefighters—and my congratulations to them and their families for their efforts to protect the community—I also thank them for their support of a petition calling for protection of double-hatter firefighters, and resounding applause, because of very strong support in the community of Lincoln for double-hatter firefighters. We're now getting applause from across the way, which is very encouraging.

Next weekend there will be a volunteer firefighters' award at the beautiful Leisureplex in Fort Erie, Ontario, the town in which I was born and raised. Similarly, Chief Douglas and his firefighters deserve provincial recognition for the outstanding work they have done under some very difficult circumstances in tragedies in Niagara recently. We're blessed to have our firefighters there to try to mend these difficult circumstances to the best of their ability to protect the citizens. I look forward to bringing greetings from the province to the Fort Erie firefighters.

A short while ago, Port Colborne had their awards banquet.

Mr. Jeff Leal (Peterborough): Everyday heroes.

Mr. Hudak: Everyday heroes, the member from Peterborough said quite accurately. I had the opportunity to be at Port Colborne to deliver that message to Chief Cartwright and his team. Incidentally, Chief Cartwright is also the chief for the Wainfleet firefighters, who stum-

bled upon the massive grow operation in Wainfleet that I've addressed in speaking to the bill to curtail grow-op operations. The firefighters, there to put out a fire, were the ones who stumbled upon a massive marijuana grow operation.

In conclusion, I appreciate the opportunity to commend the firefighters I recently visited in Niagara. I look forward also, hopefully, to attending the Dunnville and West Lincoln ceremonies in the near future.

To the issue at hand, I do commend the member from Beaches–East York for bringing this bill forward. He has made a very convincing case, obviously, by the tone of debate today, and I'm very encouraged to hear that the Minister of Municipal Affairs seems to be very interested in moving this bill forward to the next stage.

Mr. Khalil Ramal (London–Fanshawe): I have the pleasure today to stand up and speak about Bill 184, which has been proposed by the member from Beaches–East York, whom I always listen to when he stands up and speaks, and most of the time he makes sense.

Today, when I heard about this bill, I went to the legislative library and started gathering some information about the two acts the member from Beaches–East York is recommending to be amended: the Building Code Act, 1992, and the Fire Protection and Prevention Act, 1997.

I went to Hansard and gathered some information. I was astonished when I read some kind of speaking notes being said on December 9, 1996, by the member Gilles Morin. He said: "During a speech he was delivering to an audience in British Columbia recently, Ralph Nader said it was puzzling how often Canadians try to fix things that aren't broken, how many things we do well and then we want to change for the sake of changing. Firefighters have been able to provide exemplary service to the people of Ontario under the existing act."

1150

Having said that, I also went to the two bills from 1992 and 1997, from which I got the sections mentioned by the member of Beaches–East York: section 34 and section 12. In reading, I discovered that both the building code and fire code which protect the people of this province have some kind of flawed issue or provision that has to be adjusted, which means I applaud the member from Beaches–East York for bringing it to this House to be looked at. I'm looking forward to seeing this bill go to committee in order to study it more. We'll see what we can fix and what we can strengthen in both bills.

As I said, I went to the building code and found that smoke alarms have to be installed in all residential area buildings, even in single-family homes. Also, the smoke alarms must be interconnected where more than one is installed in the dwelling. It generally requires fire escapes to be constructed of metal or concrete, and it contains requirements to protect fire escapes from fire. I know that the member from Beaches–East York requires the bill to be amended to include that the fire escape has to be constructed from non-combustible materials.

I also went to the 1997 bill, and I read about this very important provision in part VI, which says that the fire

marshal and the chief are inspectors: "An inspector may, without warrant, enter lands and premises for the purpose of assessing fire safety. An inspector may order the owner or occupant to repair the premises and, with the approval of the fire marshal, close the premises until the repairs are made."

All these provisions in both acts have been imposed and established in 1992 and 1997. But as many people in this House have said, most of that stuff is not being enforced. I'm looking forward to seeing this bill go to committee, and hopefully we can strengthen whatever provisions are not being enforced.

I want to commend, before I finish, the member from Beaches–East York for bringing this before this House to be addressed. It's a very important issue, not just concerning one area but all parts of the province.

The Acting Speaker: The member for Beaches–East York has two minutes to respond.

Mr. Prue: I would like to thank everyone today who has spoken to this issue: the members from London–Fanshawe, Erie–Lincoln, Brant, Hamilton East, Brampton Centre and Haliburton–Victoria–Brock.

But I would also like to thank the people who did not speak today. I'd like to again thank Mr. Tom Steers, who is with us to witness what goes on in the Legislature and hopefully to see his hard work come to fruition. I'd like to thank Mr. Ben Rossiter, a legislative intern who has done most of the work around this bill. He's a tremendous asset to our office. I would like to thank Laurie Orrett, my executive assistant, who has worked hard on this bill as well. Her husband is a captain with the Toronto fire department, and she understands it very well.

The members have spoken to a great many issues, and I thank them for their many good thoughts. Yes, it is our intention that this go to committee. We know that this is going to require work, and we know that it's going to require a great many people coming together to talk about this. It's going to require landlords and bureaucrats, it's going to require lawyers, but the reality is that we think the bill is absolutely necessary.

The question was asked, "Is it going to be retroactive?" Yes, it would involve literally every rental unit in the province at some point. The bill itself makes provision for six months—it comes into force six months after it being proclaimed, should it be proclaimed—but we anticipate that it will take some time to remove combustible staircases. I leave that to the committee to decide the appropriate time.

There were some questions about fire detectors. We used those words, quite frankly—fire detectors are under the Ontario fire code as being both heat and smoke detectors. We used the recommendations from the committee, in line with the Ontario fire code and in line with the building code. So this is not a mistake; this is purposely how it is worded in the legislation.

Thank you very much, Mr. Speaker.

The Acting Speaker: The time provided for private members' public business has expired.

KHALSA DAY ACT, 2005

LOI DE 2005

SUR LE JOUR DU KHALSA

The Acting Speaker (Mr. Ted Arnott): We will first deal with ballot item number 61, standing in the name of Mr. Dhillon.

Mr. Dhillon has moved second reading of Bill 189, An Act to proclaim Khalsa Day.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

Mr. Vic Dhillon (Brampton West–Mississauga): On a point of order, Mr. Speaker: I would ask that the bill be referred to the social policy committee.

The Acting Speaker: Shall this bill be referred to the standing committee on social policy? Agreed.

FIRE PROTECTION STATUTE LAW AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA PROTECTION CONTRE L'INCENDIE

The Acting Speaker (Mr. Ted Arnott): Now we'll deal with the second item, ballot item number 62.

Mr. Prue has moved second reading of Bill 184, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes.

Is it the pleasure of the House that the motion carry? Carried.

Pursuant to standing order 96—

Mr. Michael Prue (Beaches–East York): On a point of order, Mr. Speaker: I would like to move that Bill 184 be referred to the Legislative Assembly committee.

The Acting Speaker: Shall this bill be referred to the standing committee on the Legislative Assembly? Agreed.

All matters relating to private members' public business now having been completed, I do now leave the chair. The House will resume at 1:30 p.m.

The House recessed from 1156 to 1330.

MEMBERS' STATEMENTS

LABOUR DISPUTE

Ms. Laurie Scott (Haliburton–Victoria–Brock): I rise today to bring the attention of this House to an issue that may have a profound effect on the people of my riding who live in the city of Kawartha Lakes. Right now, the city is hours away from a possible municipal strike that could affect the local water supply. We all hope that everything will be resolved before it gets to the

stage of a strike, but the city needs to prepare for the possibility that an agreement will not be reached.

A strike would affect about 7,300 customers and the 12 water systems the city operates. It would affect local residents, businesses and the Ross Memorial Hospital, as well as our jail and our schools. Can you imagine running a hospital without clean water?

This is not a labour relations issue; this is a health and safety issue.

A strike would affect the water systems of Birch Point, Highview, Kinmount, Norland, Sonya, Southview Estates, Sturgeon Point, Oakwood, Springdale Gardens, Western Trent and Palmina.

Today, I'm alerting the government and the minister to the possible crisis that is developing, and I call upon the government and the Minister of the Environment to put an emergency action plan into place to make sure that the people of the city of Kawartha Lakes will not see their water quality compromised.

The current rules allow you to mandate the Ontario Clean Water Agency to operate the water systems. I call upon the minister to make preparations to put this solution into effect in the event of a strike. This solution would allow local residents the peace of mind that comes from knowing they will have access to clean and safe water.

Hopefully, there will not be a strike, but if there is, the people of the city of Kawartha Lakes are depending on your government to make sure they can rely on a clean water supply.

PASSOVER

Mr. Mike Colle (Eglinton-Lawrence): At sundown this Saturday evening, Jewish families in my riding of Eglinton-Lawrence and across Ontario will share together in a special dinner, known as a Seder, to celebrate the tradition of Passover.

Passover is the celebration of the Jewish people's freedom from Egyptian bondage 3,500 years ago, as recounted biblically in the book of Exodus. It takes place on many levels, first as a historical and religious festival, but also as an agricultural festival to celebrate the season of spring and new growth.

In homes and communities the world over, Passover ceremonies will reflect local customs and culinary traditions. Prayers will be recited, blessings will be given, and those of the Jewish faith will sing songs as they relive the ancient traditions of their forefathers.

I, along with members of my own family, will be joining the Waxberg family at their Passover Seder, where we will break matzo bread together and enjoy other traditional and specially prepared foods to celebrate this special time of year.

I also would take this opportunity to send special greetings to my many good friends and seniors celebrating and observing Passover at the Baycrest Centre for Geriatric Care, one of the most wonderful hospitals in the whole world.

Thank you, Mr. Speaker, for making people think of this important time of Passover.

BLOOD DONATION

Ms. Andrea Horwath (Hamilton East): On April 5, Hamilton held its first workers' memorial blood donor clinic. I was proud to work on establishing the clinic, together with author and CUPE activist Ed Thomas. Our goal was to stage a tribute leading up to the National Day of Mourning, April 28, that would be meaningful and befit the importance of this day.

Our friends in the labour movement and the great citizens of Hamilton came to give blood in honour of workers who have been killed or injured on the job.

Canadian Blood Services of Hamilton offered us tremendous support. I want to thank all the people there who helped us launch this important life-saving mission. I want to thank Ed Thomas for his inspirational idea. And thank you, Hamilton, OSSTF District 21, Elementary Teachers' Federation of Ontario, United Steelworkers of America Local 1005, COPE Local 343 and CUPE Local 5167 for leading the way. Organized labour is the bedrock of Hamilton.

I urge citizens to give blood generously throughout the month of April in support of the working people who confronted danger every day on the job and ultimately paid with their lives. I challenge all MPPs to hold their own worker memorial clinics every April as an annual province-wide expression of public gratitude for the men and women who build our communities. An Ontario-wide MPP blood donor challenge would do good work, make an important statement and collect vitally needed supplies of blood all at once. With the gift of life, we show respect to the workers who lost their lives and ensure their memory lives on.

To commemorate the National Day of Mourning on April 28, there are copies of a book in the lobby for every MPP, with my compliments, written by Ed Thomas. The book *Dead, But Not Forgotten* shows monuments to workers that exist around the world.

AFFORDABLE HOUSING

Mr. Peter Fonseca (Mississauga East): I'm thrilled to stand in the House today to speak about an important event that took place in Mississauga East, my riding.

Last Friday, I had the opportunity to attend the opening of the Summerville Pines, an important affordable housing initiative. Located at 1749 Dundas Street East, this development provides 136 units of affordable housing to seniors in Mississauga and the region of Peel. This \$14-million project was made possible in part through the Canada-Ontario affordable housing program, a partnership between the federal and provincial governments committed to creating affordable housing here in the province of Ontario.

The opening was attended by myself; the MP for the area, Albina Guarnieri; Councillor Prentice; Keith Ward,

commissioner of housing; the region of Peel; local trades; others; and the residents of Summerville Pines.

I want to acknowledge the contribution and hard work and dedication of all of those individuals without whom this project would not be possible. I also want to thank David Caplan, the Minister of Public Infrastructure Renewal, for his efforts and his work to make this vision of Summerville Pines a reality in Mississauga East.

Summerville Pines is a perfect example of what can be accomplished through partnership and community involvement. Summerville Pines demonstrates this government's commitment to addressing the shortage of affordable housing for Ontarians and looking after vulnerable and low-income seniors. This project will help those seniors to continue to lead active and independent lives in our community.

NORTHERN ONTARIO

Mr. Norm Miller (Parry Sound–Muskoka): This government is helping to create the perfect storm in northern Ontario with large increases in energy prices for industrial users and reductions in the wood supply for the forestry industry, and the recent announcement of new municipal funding, the Ontario municipal partnership fund, will only make matters worse.

The Minister of Finance, in his answers to opposition questions, talks about the funding formula and special considerations for northern Ontario. Well, I'd like to go through the numbers and show what it means for north-western Ontario. Let's look at individual municipalities.

Atikokan received \$1.653 million in 2004; they will receive \$1.393 million in 2008, a 28% reduction. Fort Frances goes from \$3.1 million in 2004 to \$2.6 million in 2008, a 26% reduction. Rainy River, which can't even afford to upgrade its sewage treatment system to attract new business, is facing an 11% reduction under this government. The remote northwestern community of Pickle Lake is facing a 29.5% reduction in funding. Greenstone, which faces many challenges, including attracting doctors and upgrading municipal water systems, will see a 38.8% reduction in funding with the McGuinty government's raw deal. Red Lake will see a 15% reduction; Sioux Lookout, a 30% reduction; Kenora, a whopping \$2-million cut or 42% reduction in provincial funding. Thunder Bay will have to deal with a \$3.4-million cut.

I ask the minister, why is your government picking on northwestern Ontario? These funding cuts will mean an increase in taxes, a cut in services, or both for northwestern communities and will reinforce the perfect economic storm that is forming in the north.

1340

MUNICIPAL FINANCES

Mr. Jeff Leal (Peterborough): I'm happy to announce and to especially clarify that Peterborough and surrounding communities are to receive greater prov-

incial assistance under the new, fairer municipal spending model. The Ontario municipal partnership fund is a much fairer, simpler, clearer and more transparent program that provides similar municipalities with similar funding.

Under the new Ontario municipal partnership fund, Peterborough will be receiving \$8.7 million for 2005, an increase of \$2.6 million from what it received under the old community reinvestment fund. Peterborough municipalities will receive, at a minimum, as much funding in 2005 as they received through the old CRF in 2004. Especially in the Peterborough area, the township of Smith–Ennismore–Lakefield will receive \$729,000, an increase of \$683,000; the township of Asphodel–Norwood will receive \$755,000, an increase of \$100,000; the township of Havelock–Belmont–Methuen will receive \$352,000, an increase of \$352,000; the township of Douro–Dummer will receive \$495,000, an increase of \$280,000.

To help certain municipalities such as Otonabee–South Monaghan and Cavan–Millbrook–North Monaghan, they will receive the same under the new program as they received in 2004.

The funding is part of the McGuinty government's announcement that it is replacing the old community reinvestment fund with a more fair, equitable and transparent Ontario municipal partnership fund. The new program targets funding to social programs and policing costs for small, northern and rural municipalities.

Peterborough is better off today than it was a year and a half ago.

Mr. Ernie Hardeman (Oxford): In this House yesterday, Perth–Middlesex MPP John Wilkinson proved that he is much more interested in getting the keys to a cabinet limo than in defending his constituents. He went so far as to say that Perth county is receiving an overall increase of 16% in funding.

Let's look at the numbers. Southgate is going from \$1.8 million under the CRF to \$1.2 million under the new partnership program. That's a \$600,000 cut. Stratford is going from \$2.8 million under the CRF to zero, a whopping \$2.8-million cut. Perth county, which the member says received a 16% increase in funding, is going from \$2.7 million in 2004 under the CRF to zero under the new program.

The way this member says that a cut of \$6.1 million to Perth municipalities somehow equals a record increase suggests that the young Mr. Wilkinson is a graduate of Dalton McGuinty's new math program, which has managed to turn a \$2.2-billion deficit into a \$6-billion deficit. He must also be a graduate of the McGuinty government training school of saying one thing and doing another.

For the record, I've also done the math in my riding of Oxford county, and their situation is just as bleak. Obviously, McGuinty can't break all these promises himself. He needs help, and Mr. Wilkinson seems all too ready to rise to the occasion and break his promise to fight for Perth–Middlesex families. A word of advice to the member from the official opposition: You don't get

the keys to a cabinet limo if your constituents don't re-elect you.

HEALTH CARE

Mr. Ernie Parsons (Prince Edward-Hastings): When I spoke to the people of Prince Edward-Hastings during my first election, they made it clear that they believe any government should have a high priority in health care. I understand that. If you don't have your health, you have nothing.

I watched and listened with sadness as the previous government closed hospitals, described nurses as Hula Hoop workers and failed to utilize such skilled people as nurse practitioners.

I'm proud of the improvements our government has made in my riding: nearly \$16 million in additional funding for day-to-day operations, more full-time nurses, establishment of a stroke centre, approval of a family health team in Prince Edward county, preservation of services at the Picton hospital and a new CAT scan machine at Belleville General.

There's more to be done, and I'm confident that it will happen. The Ministry of Health and Long-Term Care is working with Belleville to get a family health team. I'm working with the Minister of Health, and despite the unexpected deficit, we'll fund a new addition to Belleville.

I'm distressed at statements made by John Tory. Mr. Tory says that if he forms the government, he'll eliminate the health care levy, thus taking \$2.4 billion out of the health care system. Let's put that in perspective: Quinte Health Care's budget is approximately \$125 million. Mr. Tory would have to close the equivalent of nearly 20 hospitals to find these savings, or is Mr. Tory planning on eliminating the seniors drug plan? What else?

I care about the health of my constituents. I'm saddened that John Tory would sacrifice the health care of Ontarians just to get elected. The people of Ontario deserve better.

FEDERAL-PROVINCIAL FISCAL POLICIES

Mr. Kim Craitor (Niagara Falls): I rise today to speak about the \$23-billion gap. That amount is the difference between what Ontario puts in the federal coffers and what we get back. Our government has been trying to get the federal government to acknowledge and address the \$23-billion gap so that Ontario can continue to be the engine that drives this country's economy.

Last Friday, CIBC World Markets released a report that asked whether Ottawa is killing the golden goose, Ontario. The report concluded that the \$23-billion gap "weighs on an already burdened economy, taxing the Ontario government's ability to invest in a strong, vibrant provincial (and hence national) economy." Warren Lovely, the senior economist who wrote the report, calls

the \$23 billion "a tidal wave of money" heading toward Ottawa.

The CIBC report comes on top of support we have from other banks, the Toronto Board of Trade and the Association of Municipalities of Ontario. In light of the support we are getting from all sides on this issue, we hope the federal government will finally agree to sit down and discuss this issue and move toward a resolution. Only then can Ontario make the necessary investments in health care and education that will ensure Ontario can continue to power the economy. As the Premier of Ontario often says, a strong Ontario will ensure a strong Canada.

STATEMENTS BY THE MINISTRY AND RESPONSES

EARTH DAY

Hon. Leona Dombrowsky (Minister of the Environment): Tomorrow is the 35th anniversary of Earth Day. This week thousands of people across Ontario—children at school, volunteers with community groups, councillors, MPPs, mothers and fathers—will join together in hundreds of Earth Day events.

While Earth Day began with 20 million Americans taking to the streets to voice their concerns about the environment, it is now a truly global event, marked by hundreds of millions of people around the world. Earth Day shows that all people want clean air to breathe and clean water to drink. They want well-protected lands for their families, friends and neighbours.

For the province of Ontario, Earth Day is an important opportunity to review our successes and take stock of the many challenges we face. My colleagues and I have been celebrating Earth Day and Earth Week across the province. Earlier this week, I met with students from Brown Public School in Toronto to speak with them about environmental issues. I was extremely impressed by their knowledge and their commitment to protecting the environment. I am so optimistic that they will continue to be a force for change as they mature.

My colleague John Gerretsen, as well, was at Hillside Outdoor Education School with students from Chief Dan George Public School earlier this week. They did a variety of outdoor activities and learned about the environment. The minister presented the students with the map of our province's greenbelt.

Thanks in large part to the environmental awareness prompted through Earth Day, we have seen tremendous progress in many areas. The Great Lakes are generally cleaner than they have been in decades. There have been dramatic reductions in levels of toxic pollutants like PCBs, mirex, dioxins and furans. Some wildlife species have returned to habitats in the Great Lakes basin. There are fewer consumption restrictions on sport fish caught in Ontario's lakes, rivers and streams. Our air quality has

benefited from reductions of key pollutants like carbon monoxide, total reduced sulphur compounds, sulphur dioxide and nitrogen oxide.

I am especially proud of the steps we've taken in the past few months to improve our air for future generations. We have tightened up our emission testing program for large diesel trucks and buses. We have proposed to cap smog-causing emissions from 30 of our largest industrial polluters. Our plan will cut industrial emissions of smog-causing nitrous oxide emissions by 21% in the year 2010, and acid-rain-causing sulphur dioxide by 75% by the year 2015. Our made-in-Ontario measures to address smog-causing pollution are comprehensive.

We have addressed urban sprawl with a greenbelt that will protect agricultural lands and important natural areas for future generations. The creation of the greenbelt is an important contribution to Ontario's future health and prosperity. We know that in future years, when Ontarians celebrate Earth Day, they will point to the greenbelt as one of our province's greatest treasures.

We are controlling large industrial sources with our smog caps. We are moving forward with plans to replace coal-fired generating plants with cleaner energy sources, and we are reducing pollution from vehicles by focusing our transportation spending toward transit.

1350

Let us quickly review our government's environmental protection accomplishments. We are moving ahead with our plan for 5% of Ontario's electricity to come from renewables by the year 2007 and 10% by the year 2010. We have created a one-million-acre greenbelt. We have introduced new measures to encourage development of brownfields. We have hired 33 new full-time water inspectors. We have implemented 28 additional recommendations of the Walkerton inquiry. We have tough new rules for water-taking permits. We are developing new source-water protection rules to protect our water from source to tap. We are encouraging conservation of water and electricity. We are committed to requiring that gasoline sold in Ontario contain an average of 5% ethanol by 2007.

These improvements are real. They show how much we can accomplish when everyone works together for a common cause. We can take actions that improve the environment and protect public health. The unparalleled quality of life we enjoy in Ontario is the result.

We must continue to improve our environmental record. Environmental protection is a process, not an end. Complacency is never an option when it comes to protecting the basis for our way of life. Let us take stock of the challenges that remain.

Since the first Earth Day, Ontario's population has grown by about four million people. As a society, we consume more, we create more waste, we need more land to live on and we put more stress on the sources of our drinking water. These challenges make it increasingly difficult to sustain our lifestyle. They make it more difficult to live in balance with nature. This is why we need to take action now. The longer we wait, the more difficult it will be.

The McGuinty government will continue to move forward with plans to protect our drinking water, preserve our green spaces and clean up the air we breathe. I call on the people of Ontario to continue to play their part at home, in the workplace and in the marketplace. Together, we have witnessed and participated in many great accomplishments on behalf of Ontario's environment. If we continue to work together, I know the best is yet to come.

SMALL BUSINESS

Hon. Joseph Cordiano (Minister of Economic Development and Trade): Today, small and medium-sized businesses have gained a real voice at Queen's Park. When our government took office, we recognized the tremendous contributions that small business makes to Ontario's economy. They comprise more than 99% of Ontario's businesses and account for more than half of Ontario's jobs. Our government promised to create a small business agency, and today we are fulfilling that commitment.

It's an exciting new direction. The Small Business Agency of Ontario is specifically devoted to meeting the needs of small businesses. It will give our small and medium-sized business owners a real connection to government so we can listen, understand and help. Our government wants to make it easier for small business to innovate, to grow, to succeed.

The agency will do many things. It will work with ministries to undertake and achieve regulatory reform. This agency will review key existing regulations, examine proposed new regulations, make sure government is aware of how each new regulation could affect small business costs and competitiveness, and make sure small business interests are part of our decision-making process. It will develop and promote regulatory best practices. It will help bring government ministries together and develop a better way for small business to get information and provide input on proposed government regulations that may affect them, so small business is always in the loop.

It will make the relationship between government and small and medium-sized enterprises simpler, less time-consuming and, yes, less frustrating. By streamlining and cutting down on excessive paperwork and administration, this agency will save small businesses time and money. It will make dealing with government a whole lot easier and encourage open lines of communication.

I am pleased to announce as well today that my parliamentary assistant, Mr. Tony Wong, who has consulted widely on developing the best, most effective agency, has agreed to chair Ontario's new Small Business Agency. Mr. Wong will be joined by six other parliamentary assistants whose ministries are closely tied to small business. Business representatives will be added to the agency in the coming weeks. Together with their soon-to-be-appointed and highly qualified team members, they will champion small business interests within government, and we will listen very carefully.

The new Small Business Agency of Ontario will help us to work together, in every sector, in every region of this province. This agency is central to our government's commitment to help small businesses grow, thrive, invest and create new jobs, and to help build strong communities, a prosperous economy and a high quality of life for all Ontarians.

ORGAN AND TISSUE DONATION

Hon. George Smitherman (Minister of Health and Long-Term Care): I rise today to remind my colleagues on both sides of this chamber that this is National Organ and Tissue Donation Awareness Week. I do so with mixed feelings. In a sense, this is a week to celebrate the thousands of heroes—and they are heroes—who have summoned the compassion to make a gift that is absolutely like no other. The tissues and organs that are donated by these people are of extraordinary importance. In many cases, they greatly improve the lives of people who receive them; in many other cases, they save those lives. So this is a week for celebrating the people who make this gift, for saluting them.

But when I spoke about my mixed feelings in reflecting upon this occasion, it is because this is also a week for wishing there were far more of these precious gift-givers, because we need them desperately. Every three days in this province, a person dies waiting for an organ transplant. Today there are more than 1,800 women, men and children waiting for such a transplant. Some of them are going to die, and they're going to die because there are other people in this province who either forgot or simply did not fill out an organ transplant card. In some cases, people have their reasons for not signing; in other cases, they either don't know, forget or they just never quite get to it. Whatever the reason, they don't sign, and for want of that signature, people die. That's just not right.

We've worked to make extraordinary progress in this world so that we are now able to take tissue and organs from the bodies of people who have recently died and put them into the bodies of those who are in danger of dying, thereby saving their lives, giving the gift of life. To think that we've made that kind of progress but people are still dying needlessly because organs that could be available are not, again, for want of a signature. We don't think that's right.

So I would ask every member of this Legislature to take this message out to the people of Ontario: Sign the donor card. Make your wishes known. Contribute to saving a life. It could be a child, a young man or woman with years of wonderful living ahead of them. By signing that card, you could be giving them that.

Our government is committed to maximizing organ and tissue donations, to increasing access to life-saving and life-enhancing transplants. We're also committed to reducing the wait times for patients needing those transplants. In 2004-05, our investment to support organ and tissue donation and organ transplantation exceeded

\$14 million. We provided \$934,000 to hospitals to support deceased organ donation; a further \$1.4 million was given to transplant hospitals for living kidney donation; through the 2004-05 hospital allocation, we provided an additional \$10 million for 152 additional organ transplants; and we provided the Trillium Gift of Life Network with an increase of \$2.3 million, or 29% more in their operating budget, in 2004-05.

But it's not just about money; it is also about awareness, about putting this issue front and centre in front of people. In all too many cases where people haven't signed an organ donation card, it's because they simply haven't thought of it. For very understandable reasons, they and their families haven't asked themselves the hard questions about what should be done after they die. But hard as it is, we must find a way to get those questions asked, because in the answers frequently lies the saving of a life. The card gets signed; families give consent; lives are saved.

1400

I'm pleased to announce today that I have filed a regulation under the Trillium Gift of Life Network Act that will, I believe, lead to an increased number of organ donations in this province. The regulation will pave the way for hospitals to notify the Trillium Gift of Life Network when a patient dies, and also, at the Trillium Gift of Life Network's direction to contact the patient's family to seek consent for organ and tissue donation. These notice and consent requirements are needed to ensure that eligible donors are identified and that the tough questions about organ donation get asked at the right time. This will lead to higher organ and tissue donation rates and the gift of life for many more Ontarians. The regulation will come into effect later this year, when the notice and consent provisions of the Trillium Gift of Life Network Act are expected to be proclaimed.

We're working to ensure that we have an effective, efficient and safe organ and tissue donation and transplantation system that works for all Ontarians: for donors, for their families and the patients whose lives will be improved or saved by this extraordinary gift. But the system, however good, depends upon the thoughtfulness, compassion and generosity of Ontarians. These are things that I know the people of this province have in very great supply.

We just have to make sure that we get the message out. If we do, I know that people will respond. Sign the card. Let people know. Give the most precious gift you have ever given. That's what we urge all Ontarians to do.

The Speaker (Hon. Alvin Curling): Responses?

EARTH DAY

Mr. Toby Barrett (Haldimand-Norfolk-Brant): I'm glad to have a chance to yet again recognize the 35th annual Earth Day, taking place tomorrow, April 22. It's always important to understand some of the true challenges we are facing in protecting our environment. In 1970, I took part in the first Earth Day, actually, as an

environmental science teacher. On Saturday I'll be planting trees down in Norfolk county.

On the first Earth Day, the global population was 3.7 billion people. Today it's grown to 6.5 billion people. A recent UN report, the Millennium Assessment, outlines the price being paid as the human footprint on this earth grows ever larger. The majority of wildlife species is declining. On top of habitat loss, deforestation and diminishing wetlands are reducing our protection against pollution. That report is truly a stark warning.

As far as population growth, Ontario is no different. Right here in the GTA-Golden Horseshoe, we are expecting another four million people in the next 30 years. As the minister has just pointed out, we know that since the first Earth Day we've seen an increase of four million people. After 35 years, it seems that we as a society have some challenges and we still don't get it. We ship garbage to Michigan. We introduce a spills bill that immediately has to go back to the drawing board. I think people in Ontario expect better.

ORGAN AND TISSUE DONATION

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I rise today on behalf of our party to recognize National Organ and Tissue Donation Awareness Week, a week not only to raise awareness but also to remind people to talk to their families and friends about giving the gift of life.

A survey conducted by the Trillium Gift of Life Network in 2004 indicated that although 77% of people were willing to donate their organs, only about 53% have signed the donor card, yet the need for donation increases each year. In fact, today about 1,893 men, women and children are waiting for an organ transplant, so it is important that people do consider donation and sign the card.

Our PC government made a commitment in 1999 and issued a millennium challenge to double the donation rate by 2005. We set up a Premier's Advisory Board on Organ and Tissue Donation. We committed money to increase organ and tissue donation and transplantation to over \$120 million by 2005. We passed new legislation, the Trillium Gift of Life Network Act, to help hospitals increase the number of organ and tissue donations. We created the Trillium Gift of Life Network to promote, plan, support and coordinate organ and tissue donation in Ontario, and yet, as we know today, the need continues. We will be pleased to work with this government to ensure that everybody in this province takes the time to sign the card and make sure they can make that gift of life possible for another human being.

SMALL BUSINESS

Mr. Jim Flaherty (Whitby-Ajax): In response to the Minister of Economic Development, the thing that's so important about small business is the jobs created in Ontario. The minister stands up and says, "I'm going to help small business." How is he going to help small busi-

ness? "I'm going to create another government agency." What a great idea. More public servants, more forms, more bureaucracy for small business in Ontario: just what they don't need.

Just today I met with the Ontario Printing and Imaging Association. These are the printers in Ontario, the fifth-largest employer in Ontario, employing 43,000 people in this province. Do you know what they tell me? Most of their firms employ fewer than 20 employees, and they have to have a full-time person to fill in all the government forms. Now they'll have more forms for the small business agency that the Minister of Economic Development is going to impose on them in Ontario. Do you know what they say? They say that as regulations increase in so many areas, manufacturing in Ontario becomes more challenging and will directly affect the viability and sustainability of the printing industry. Stop doing things to business. Start helping business. Minister, what they need is less bureaucracy, fewer forms and less red tape, not what you are imposing on them.

EARTH DAY

Ms. Marilyn Churley (Toronto-Danforth): What Ontarians needed from the government today was less hot air, but that's not what they got. Reducing smog is certainly a critical goal and one that needs to be pursued with increased vigour because of the well-documented health and environmental impacts associated with smog. But instead of increasing their capacity to remove more smog-producing vehicles from our roads, this minister and her government have decided that it's a good idea to cut the smog patrol program in half. The smog patrol's light-duty vehicle inspection program is being cut, resulting in a 50% cut in smog patrol activities. I ask the minister, what is the net reduction in smog that accompanies cutting 50% of the smog patrol? How many gas lawnmowers need to be scrapped in 2005 to equal the smog reductions lost to Ontarians when you mow the smog patrol in half?

In Earth Week, Ontarians deserve more than the reannouncement of a long-standing program that's been running for five years. Where are the new incentives to attract consumers to buy Energy Star appliances? Where is the rewrite of the building code to increase the energy-efficient standards by which new homes are constructed? Where are the announcements of the new studies into health impacts associated with exposure to such deadly carcinogens as dioxins and furans? Unfortunately for Ontarians, there is no meaningful environmental announcement today, but only a tired reannouncement from a government with no real plan to clean up our air.

SMALL BUSINESS

Ms. Andrea Horwath (Hamilton East): Small business is a significant part of the economy, and they are grappling with very serious issues. They have very few staff; they're small, owner-operated operations. This

minister and this government must admit that they are failing small business. Insurance costs are still going through the roof. Red-circling of property insurance is happening everywhere, and this government is not dealing with it. Auto insurance rates are also crippling small business. Massive hydro security deposits are being demanded. It ties up their capital, thousands and thousands of dollars, for years on end. Skyrocketing hydro prices are also a problem.

The minister is nowhere to be found, quite frankly, on major economic challenges in this province. Northern mills are closing all over; thousands of jobs are being lost. The Stelco crisis is still not solved. There's a total absence of this minister on the aerospace file. The steel modernization situation is not being dealt with. There are massive job losses in the southern and southwestern manufacturing economy every single day. This is what this minister needs to be doing. These are good-paying jobs that will very much buoy small business.

ORGAN AND TISSUE DONATION

Ms. Shelley Martel (Nickel Belt): This is National Organ and Tissue Donation Awareness Week, and I want to thank the Kidney Foundation of Canada for highlighting this week, particularly the urgent need for donors, and that's what I want to focus on. I went back to the 2001 annual statistics report produced by Organ Donation Ontario. I compared it to the most recent statistics from the Trillium Gift of Life Network. It is disheartening to see how little has changed with respect to donations. In 2001, there were 1,766 Ontarians waiting for organ transplants; in 2004, 1,785 Ontarians waiting for organ transplants. In 2001, there were 449 transplants from deceased donors; in 2004, only 485 transplants from deceased donors. In 2001, 193 living donor transplants; in 2004, 193 living donor transplants. In 2004, only 485 individuals received transplanted organs. That's it. The reality is, despite the best efforts of the Kidney Foundation and others, including the Trillium Gift of Life Network, too many Ontarians are not considering organ donations at all, and that is an issue that my colleague from Niagara Centre wants to address.

1410

Mr. Peter Kormos (Niagara Centre): I'm pleased to join with my colleague the member for Nickel Belt, health critic, in confirming the New Democrats' commitment to ensuring that organs are made available to those lengthy, lengthy waiting lists of people across this province, indeed across this country, in need of organ donations.

Inspired by George Marcello, a well-known advocate for organ donation, and provoked by young Kristopher Knowles, a young man in need of an organ donation, who recently walked across Canada to highlight the issue, we presented Bill 156 to this Legislature and it received first reading in December of last year. This bill dramatically changes the regime. It, in line with places like France, Spain and Italy, creates a presumed consent,

so that never again will the failure to sign an organ donation card be a bar to an organ of a deceased person being provided to a long-waiting beneficiary.

If you really want to address the issue of availability of organs, I urge the minister to ensure that this issue gets debated in this province promptly.

LEGISLATIVE PAGES

The Speaker (Hon. Alvin Curling): We have been properly served by some capable hands here in our Parliament and today is their last day. The pages are here, and I know we would have unanimous consent to have them here forever, but I want you to show your appreciation for them.

Applause.

VISITORS

The Speaker (Hon. Alvin Curling): We also have in our presence senior members of law enforcement in the Speaker's gallery, and we want to welcome them.

Mr. Bob Delaney (Mississauga West): On a point of order, Speaker: I'd like to introduce in the east gallery three representatives of the Ethnic Editors and Publishers Council of Canada. We have Dr. Mario Varano, the chairman; Nova Robson, the secretary and treasurer; and Mr. Gino Grisolia, a director. Please welcome them.

The Speaker: It's not a point of order, and I hope we don't start a chain of these things now.

Do we have a point of order from the member from Hamilton West?

Ms. Judy Marsales (Hamilton West): Yes, Mr. Speaker, and I beg your indulgence to acknowledge my mother, Noella Laurence, who has travelled from Winnipeg. You need to know, Mr. Speaker, that she is the survivor of a triple heart attack after she left this chamber last year visiting us, and we wish her Godspeed home in much better condition.

The Speaker: What can I say? It's a mother. It's good to have you.

Mr. Ernie Hardeman (Oxford): On a point of order, Mr. Speaker: You may, after I've presented it, rule it's not a point of order, but I'd like the assembly to recognize one of the greatest groups of students in the province of Ontario sitting up in the gallery, and they come from St. Mary's High School in the great city of Woodstock.

The Speaker: That is also not a point of order, but they are welcome.

ORAL QUESTIONS

MUNICIPAL FINANCES

Mr. John Tory (Leader of the Opposition): My question is for the Minister of Finance. Yesterday, I raised the question of the city of Brantford, which is on

the one hand receiving \$700,000 in gas tax money from your government for public transit, yet on the other, facing a \$7-million cut under your so-called fairer program for cities and towns. You said yesterday, "My friend just has it wrong" on his municipal funding program. Well, today's Brantford Expositor quotes Brantford mayor Mike Hancock as saying, "I don't like playing the Conservative-Liberal game, but Mr. Tory is absolutely right."

Brantford would have to raise taxes \$186 per household per year to make up for your cut. Will you now confirm that you and the member for Brant are cutting millions from Brantford and causing taxes to rise?

Hon. Greg Sorbara (Minister of Finance): I'm surprised that my friend the Leader of the Opposition is moving on this territory. He was not in this Legislature during the Harris-Eves period, one which was dominated by the worst municipal financing plans that this province has ever seen. Where was he? He was advising the former mayor of the city of Toronto, Mel Lastman, who was quoted repeatedly as saying that everything the Conservative government touched turned to—and I'm not going to finish the quote because my friend knows what it is.

I simply tell my friend that Mel Lastman and every other mayor that had to provide for public services for municipalities during that era has said to us that the system was broken and needs to be changed. We've done that with a much fairer fund, a much more equitable fund and a fund that will serve the real needs of municipalities for generations to come.

Mr. Tory: My friend opposite, the minister, as usual, is mired in the past and using old quotes from the past. I'll quote one from yesterday, which is from Mike Bradley, the mayor of Sarnia. He says: "I'm starting to feel like the Premier of Newfoundland.... The Premier," and he means our Premier, Mr. McGuinty, "talks about fairness but I feel like we might have to lower the provincial flag to get his attention."

Sarnia is set to lose every penny of funding they used to receive under these awful programs that you talked about, and under your so-called fair program. That's a \$228,000 cut that the residents will have to bear through increased taxes or cut services. Why are you and the member for Sarnia hurting the city that way and causing taxes to rise?

Hon. Mr. Sorbara: Someday my friend the Leader of the Opposition will get his facts right. He needs to know that the new Ontario municipal partnership program provides 6.1% more funding for municipalities than its predecessor. He needs to know that under the new fund, no municipality will receive less this year than was provided for last year. He needs to know that overall, communities in Lambton county—and Sarnia is in Lambton county—are getting \$10.291 million in 2005. That's a \$1.6-million or 14% increase over what they received last year. We are very happy with this program. We are delighted to continue to clean up the mess that Mike Harris and Ernie Eves, and apparently John Tory, helped create under the previous administration.

Mr. Tory: Of course, we're now two-for-two on not addressing the question at all in terms of Sarnia. We never heard Sarnia mentioned in terms of the specifics of Sarnia. I asked you about Sarnia, not Lambton county. And you said that no one's going to get a decrease, but I guess you'll have to have a chat with the MPP for Guelph-Wellington, who said that maybe the gas tax will help offset decreases in transfer payments. I don't know where she got that word "decrease" from.

Let's talk about Kingston. Today's Kingston Whig-Standard quotes from the city's finance department—and I'm sure they're not telling the truth either—as saying that the city will be short \$1.4 million by next year, and the shortfall will rise to \$3.1 million. I'm assuming that the minister is arguing that everybody's wrong and he's right. Well, why are you and the member for Kingston and the Islands supporting cuts to services and tax increases that are going to hurt the city of Kingston and the people who live there? Why are you supporting them?

1420

Hon. Mr. Sorbara: My friend the Leader of the Opposition really needs to go back a little bit in history to remember the mess that the previous administration made. We can go through a whole category of services: public health—downloaded; child care—downloaded; children and youth services—downloaded; roads—downloaded; Highway 88 now becomes Regional Road 88; Highway 43 becomes Regional Road 43.

What the previous administration did was make municipal financing impossible. What we've started to do is repair that damage. We have increased funding for municipalities this year by 6.1% in a program that is fairer, that is more equitable and that provides for the real needs of communities across Ontario.

The Speaker (Hon. Alvin Curling): New question.

Mr. Tory: I'm sure that non-answer will be cold comfort to the taxpayers of Kingston.

My question is to the same minister. Yesterday, your member for Perth-Middlesex seemed more interested in toeing the party line than in standing up for his constituents. Let's look at the communities in his riding. The city of Stratford will lose every penny in annual transfers under your program. That's a cut of \$2.8 million. Perth county will lose all of its \$2.7 million annually. The town of Southgate will lose \$600,000.

Minister, these areas will have to raise taxes by over \$200 per household per year. Why are you and the member for Perth-Middlesex hurting these communities and supporting these big property tax increases for their citizens?

Hon. Mr. Sorbara: I simply say to the Leader of the Opposition that, as a rookie member, if he wants to do some training, just follow the example of my good friend from Perth-Middlesex, our member. He needs to just check with the Minister of Health to determine how aggressive the member from Perth-Middlesex was in securing additional funding for the Listowel hospital in the county, for a new family health team in the county. Overall, that community, like communities across

Ontario, is now going to be able to take advantage of a municipal partnership fund that will provide equitable funding on the basis of need to provide social services, need for smaller communities to provide policing services, need for the northern and rural parts of our province to have the resources to deliver a broad range of public services.

I want to tell my friend that we are very proud of the way in which, with discipline, we have used the limited resources we have to expand the capacity of municipalities to deliver those services.

Mr. Tory: I will stand here in this House and say I'd go the member's riding and congratulate him for the hospital funding, but he also has to accept responsibility for the millions in cuts you've exacted on his riding.

Once again, Minister, unfortunately your rhetoric on all of this doesn't match the facts. In eastern Ontario, the city of Belleville will lose almost \$500,000 in transfers under your so-called fairer program. The city of Prince Edward County will lose just under \$400,000, and the town of Tyendinaga will lose \$124,000.

Why are you and the member for Prince Edward-Hastings hurting these communities and causing their citizens to have to pay big property tax increases?

Hon. Mr. Sorbara: May I just quote to you from Donald O'Connor, writing in the Stratford newspaper: "Stratford is to receive a windfall of almost \$1.2 million from the province through the Ontario municipal partnership fund."

I also want to tell my friend about his own community of Caledon. I want to tell him that under the Conservative program, Caledon was very, very disadvantaged. As a result of the new program, the community of Caledon will receive almost \$1.2 million in additional funding, because it's the fair thing to do. Under the old, inequitable program, some communities were receiving more than was appropriate and others, like Caledon, the community you represent, were not receiving enough.

I think that my friend the Leader of the Opposition should be congratulating us for having a fairer, more equitable program that provides the funds that communities need to deliver public services. That's what I would expect from him.

Mr. Tory: You may have a lot of things that you expect from me; I expect that you might have mentioned—just mentioned—Belleville or Prince Edward-Hastings in your answer, but never mind.

Let's talk about Kincardine. Kincardine will face a \$1.2-million cut in funds under your so-called fairer program. This municipality would have to raise property taxes an incredible \$232 per household per year to make up for the cut. Huron county is losing all of its \$3.8 million under your new program—your new, fairer, better program—meaning that taxes would have to rise by \$138 per household per year to make up for your cut. Why are you and the member for Huron-Bruce hurting Kincardine and Huron counties by forcing every property taxpayer to pay out hundreds of dollars more each year? Why are you doing that?

Hon. Mr. Sorbara: If the mathematicians that my friend the Leader of the Opposition is using were designing the finances of Ontario or contributing to them, we would lose all credibility as a province.

Let's be frank. Let's have the Leader of the Opposition admit that what he is doing is extrapolating a formula, tying it over a number of years—five, 10 or 15 years—and then coming up with a number and throwing it in front of this Parliament as if it had some basis in fact.

Let's deal with the facts. In the coming year, every municipality will receive absolutely the same amount or more than they did last year. In the succeeding year, that is, in 2006, no municipality will have a reduction of more than 10%.

We've designed a system that's fair. We've put in transition funding that's fair. We are scrapping the mess that your party made with downloading—

The Speaker: Thank you.

LONG-TERM CARE

Mr. Howard Hampton (Kenora-Rainy River): I have a question for the Minister of Health. A year and a half ago, when you were confronted with some of the terrible conditions in Ontario's nursing homes, you broke into tears and promised a revolution in long-term care. A year and a half later, the Casa Verde nursing home inquest says we are still not providing the quality of long-term care that our seniors need when they reside in nursing homes.

Now we have more evidence from individual nursing homes across the province: evidence that shows that nursing home personal care workers and nurses are being fired, not hired, evidence that shows that several long-term-care facilities are reducing hours of personal care, not increasing. Minister, that's the evidence that ordinary Ontario families are seeing. Where's the revolution you promised? Will we see it in this year's budget?

Hon. George Smitherman (Minister of Health and Long-Term Care): No amount of misinformation from the honourable member can reduce the progress and action that has been taken on the file with respect to long-term care.

It was well said, I think, by Greg Fougère, chair of the Ontario Association of Non-Profit Homes and Services for Seniors, who, after all, ought to know, seeing as he's the chosen, democratically elected voice of those non-profit homes. He said, "Indeed our members are hiring staff—it was a requirement of the funding that they hire staff."

In addition, we've brought in higher standards of care: 24/7 RN coverage and two baths a week as a minimum, signs of significant progress on a path that everyone in the long-term-care sector is walking together and working very hard on.

There will be circumstances from time to time where there will be adjustments because of adjustments in the case-mix index, that is, the acuity of the patients being

served in those environments. I'll be very happy to deal with that in the supplementary.

Mr. Hampton: Some of the staff who work at Community Nursing Home in Port Perry are here today. They want to know why the residents at that nursing home will see their hours of nursing care and personal care reduced by over 111 hours a week, as nurses and personal care workers are laid off.

We raised this with you over a month ago. You said you were going to look into it. You said this shouldn't be happening. Well, Minister, it is happening now, under your watch.

Residents at that nursing home will receive fewer hours of nursing care per day, fewer hours of personal care per day. Nurses are being fired, not hired. Personal care workers are being fired, not hired. Is this the McGuinty revolution?

Hon. Mr. Smitherman: Across the breadth of the Ontario long-term-care sector, as a result of our government's investment last year of \$191 million, 2,000 additional employees have been or are in the process of being hired. That includes, as a bare minimum, 600 registered nurses to fulfill the 24/7 RN commitment. On an individual basis, in each and every one of our approximately 600 long-term-care homes, a thing called the case-mix index is established annually. What is that? It rates the acuity level of the clients being served in that individual facility, in that individual home, and it apportions funding appropriate to the index: in other words, to the acuity of the patients. When these go down, a funding envelope also goes down. When these go up, a funding envelope goes up.

1430

It is possible to have adjustments on an annual basis; that is necessary to allow incentive to remain in the system to make sure that some long-term-care homes don't choose simply to take care of those patients who have an easier index. So it's a very important factor in the functioning of our long-term-care home sector.

Mr. Hampton: The minister seems to have changed his story a bit. When we asked you about this before, you talked about service agreements and how, if nursing homes were going to get more money, they were going to sign a service agreement which required that they actually add staff. This is what you said: "All members of this House can be assured that the dollars we have allocated ... will be spent on the provisions that were intended, which is in enhancing the quality of care for those most vulnerable residents."

Minister, in this case, in Port Perry they received more money in August 2002, more money in 2003 and more money in October 2004. How many additional personal care or nursing staff were hired to increase hands-on care to residents? Precisely none. The home has received more money, a lot more money. But despite your promises, nurses and personal care workers are going out the door. When will we see the revolution? When will you enforce the service agreement with this home that you boasted about so much only a year ago?

Hon. Mr. Smitherman: The obvious circumstances are found in the last answer that I gave, which the honourable member chooses to ignore. The reality is that on an annual basis, each of our 600 long-term-care homes is measured for the index of the patients they're dealing with, to measure their acuity. The result of that, combined with the additional funding that we put into this particular long-term-care home, means that those resources have mitigated against a more significant pattern of layoffs. But there are adjustments on an annual basis. These adjustments are very appropriate because we ask of each of these long-term-care homes that they deal with an appropriate mix of people. That is measured to ensure that those people in our long-term-care homes who require a greater degree of care by virtue of their acuity get that additional care through a funding model that allocates additional resources.

The Speaker (Hon. Alvin Curling): New question.

Mr. Hampton: To the Minister of Health: I happen to have this service agreement. The service agreement says that if a home like this receives more money from the Ministry of Health and Long-Term Care, they are obligated to increase staff, not lay off staff.

But I want to ask you about another example of your so-called revolution: Shepherd Village in Scarborough. Residents there are losing 177 hours of nursing care and personal care per week. Layoffs of nurses and personal care workers are happening this week. Staff there say that residents are not being toileted frequently enough and often go to dinner with soiled clothes on. It's the same story that we see in Port Perry: Hours of hands-on care are going down; patients are suffering; service providers aren't being held accountable for the public money they receive.

Minister, you promised accountability. You said this was going to end. You said more money would mean more nurses and more personal care workers. What's happening here?

Hon. Mr. Smitherman: If the honourable member or anyone employed in such a long-term-care home has cause for complaint, then they should phone that in to the 1-888 action line. The results of that—

Ms. Shelley Martel (Nickel Belt): It's a disgrace. They need more staff.

Hon. Mr. Smitherman: With all due respect, could we encourage the honourable leader of the third party to please give his critic an occasional question? I think that would be helpful to everybody.

I think what's very clear is that we've put in place, in the Ontario long-term-care home sector, the capacity for appropriate compliance and accountability. That is being built in a fashion it that hadn't been by previous governments. We put this information on-line for people to see the compliance record of each individual home. We have a much-enhanced capacity to investigate any complaint that comes in through the 1-888 number; we encourage that. We've introduced unannounced inspections. All of these are significant improvements are on the path to revolution.

I think that many people, independent of the honourable member in his manufactured negativity, are finding significant improvement in our long-term-care home sector. I want to applaud all of those people contributing to it.

Mr. Hampton: Minister, we raised the issue of what's going on at the nursing home in Port Perry over a month ago. But in addition to that, some of the nursing and personal care workers here actually paid money to go to a Liberal fundraiser at the beginning of the year so they could talk to you personally. They actually spoke to you personally and followed up with some of your staff. So you've known about this Port Perry incident and what's going on at the nursing home there since the beginning of the year. Don't tell us that there's some mumbo-jumbo. There is a service agreement in place. The service agreement says that if you give them more money, there has to be nursing staff and personal care staff hired. You've given them more money. Why aren't you enforcing the service agreement? Why do we continue to see nurses and personal care workers laid off and residents getting less quality care?

Hon. Mr. Smitherman: The answer to the honourable member's question can be found in the very exaggeration that came from his health critic when this issue was raised in the House on March 7. In the rhetorical run-up to the question, she made some claim about a significant number of people being laid off, which has not proven accurate in the circumstance. This is the kind of exaggeration that is involved in all the questions coming forward on this subject from the honourable member. The reality is that the additional resources that were allocated to that home, as part of our \$191-million allocation last year to improve care in long-term-care homes, has in fact been used to enhance that funding in this facility and has had the effect of mitigating against the kind of layoffs the honourable member exaggerated, or should I say predicted, in this House on March 7.

Mr. Hampton: Let me tell you what part of the problem is. Before the election you said that nursing homes and homes for the aged needed over \$400 million a year to provide the quality of care. Then you announced \$191 million, but \$191 million wasn't even delivered; only \$116 million was delivered. So what we see in many nursing homes is staff continuing to be laid off.

I want to refer back to Casa Verde, because when two residents at Casa Verde nursing home died at the hands of another resident, here's what the local MPP had to say: "I think this is a wake-up call for our own government here in Ontario.... It is the responsibility of the Premier and this government to provide the necessary care so that our seniors can live in good, clean conditions in those nursing homes." Who said that? Someone named Mario Sergio, MPP for York West.

What we see happening is that nurses continue to be laid off, personal care workers continue to be laid off, and residents continue to see a deterioration of care, not an improvement of care. Where is the revolution, Minister?

Hon. Mr. Smitherman: The gross exaggeration of the honourable members notwithstanding, one need only look on the workopolis.com Web site to see that long-term-care home after long-term-care home, across the breadth of this magnificent province in those 600 homes, are hiring: 2,000 new workers in total; \$191 million annualized for the period of the entire year. There are circumstances, of course, where the case-mix index in an individual long-term-care home changes. As is appropriate, the funding is adjusted. This is the way we make sure that long-term-care homes are encouraged to provide for people's care, not just those that are somewhat easier to care for but some of those people who need a higher level of care. The funding follows those people in a very deliberate fashion to ensure that for people with higher needs, the homes where they are residing are given higher capacity to be able to address those needs. That's a very appropriate function of our sector.

AUTISM TREATMENT

Mr. Cameron Jackson (Burlington): My question is to the Acting Premier. Yesterday your Premier was asked whether he will reinstate funding for sex-change surgery, which is not covered under the Canada Health Act, if the Ontario Human Rights Tribunal rules you should. But the Human Rights Commissioner in our province, Keith Norton, has already ruled that your government's failure to fund autism services is discriminatory. Not only that, on April 4, Madam Justice Frances Kiteley agreed with our Human Rights Commission and ruled that your government alone is responsible for the provision of autism services.

On April 5, your Premier stated that every time the courts mandate a certain kind of expenditure, they also don't provide us with the money to follow up on that. How is it then, Minister, that the McGuinty Liberal government can find the money for sex-change operations before the Human Rights Tribunal has made its ruling, yet it refuses to find money to support autistic children after the courts and the Human Rights Commission have ruled that you should?

1440

Hon. Leona Dombrowsky (Minister of the Environment): To the Minister of Health.

Hon. George Smitherman (Minister of Health and Long-Term Care): I didn't have the privilege of being in the House yesterday, but I do think the honourable member is somewhat unclear on the way he offers his question in terms of what the Premier's response was. The question was one that was put directly. The answer was clear for all to see. It was a one-word answer, and if the honourable member needs any more help than that deciphering it, I'm sure someone will be pleased to read it to him.

Mr. Jackson: I don't think anybody has any confusion about what the Premier said yesterday. This is about your confused health care priorities that were announced yesterday. It seems strikingly strange to me

that your Premier will honour that promise to those individuals seeking sex-change operations, and you then willingly dispatch your lawyers to go into our courts to fight the very families that he promised funding to for their autistic children.

What the Premier said yesterday was a slap in the face to all those families who are struggling to make ends meet with their children who have autism; services that our courts today say your government should be providing. This is the same Premier who broke his promise not to delist chiropractic, physio and optometry services, the same Premier who promised not to cut nurses in this province, and now you're going to bring in drug pricing for seniors. How is it that you don't have funding for autistic children, for the seniors' drug program, but you do have funding for sex-change operations?

Hon. Mr. Smitherman: The Minister of Children and Youth Services.

Hon. Marie Bountrogianni (Minister of Children and Youth Services, Minister of Citizenship and Immigration): First of all, we not only have funding for children with autism, but we doubled the funding that your government was spending for children with autism. We enhanced the IBI program for children under the age of six by \$10 million, and as of April 1, we had reduced the waiting list for assessment by 72%, hired 110 new therapists and increased the number of children receiving IBI under the age of six by 25%.

I find it very difficult to be lectured by a member who sat around the cabinet table and cut services to children, cut services to seniors and cut services to health care. I find it very strange that that particular member is asking this question.

WATER QUALITY

Ms. Marilyn Churley (Toronto-Danforth): I have a question for the Minister of the Environment. Minister, a year has passed since you posted your proposed drinking water source protection act on the Environmental Bill of Rights. At the time, you stated that, following public comment, the planning and implementation components would be combined into one bill, and you said you wanted to introduce the bill later that year. That year was June 2004. You have now had the implementation committee report for over six months, but still no source water protection legislation has been introduced.

Our drinking waters are being contaminated and permanently impacted daily. To mark Earth Day tomorrow, will you introduce your long-promised water source protection act today?

Hon. Leona Dombrowsky (Minister of the Environment): I'm happy to have this opportunity to talk about this government's initiative and the priority we have for protecting water in Ontario. The honourable member would know that, shortly after being named minister, I established the two committees that Justice O'Connor recommended would provide recommendations to government on how to move forward on this issue: the

technical experts committee and the implementation committee.

Ms. Churley: I know all that.

Hon. Mrs. Dombrowsky: I have received those recommendations, and just so the general public understands, they are available and have been available on the Environmental Bill of Rights registry.

The honourable member said she knows that, so she would know that we are considering over 250 recommendations that have come from those two committees. We want to ensure that when this legislation is introduced, it is sound, so we are taking our time to get it right the first time.

Ms. Churley: Oh, the tangled webs they weave. Minister, for what it's worth, the 2003 Liberal election platform states—and I underscore “for what it's worth”—“Source water protection is critical. We will pass a law to enhance protection of the lands that surround our vital water sources.” But I repeat: A year after the fact, approaching two years in government and halfway through the spring session, there is no source water protection legislation in sight.

Minister, you told Ontarians there would be source water protection legislation in the House this spring session. Again, with Earth Day upon us, will you deliver on your promise to protect source waters in Ontario and introduce source water protection legislation today?

Hon. Mrs. Dombrowsky: There is no question that this government is committed to our source water protection legislation. We have already begun to flow money to conservation authorities so they can begin the planning processes that are necessary for this groundbreaking legislation. We're not using a template from any other jurisdiction in North America. We are breaking new ground here. Other jurisdictions are watching what we're doing, so we're going to make sure that we do it right.

In terms of being timely in our response, I just want to remind the honourable member that the NDP government committed to introduce and pass a safe water act in the province.

Interjection: Did they do it?

Hon. Mrs. Dombrowsky: No, they did not. In the five years they had to do that, they didn't do it. I don't need any lectures about acting in a timely way from that honourable member.

ANTI-SMOKING LEGISLATION

Mr. Phil McNeely (Ottawa-Orléans): My question is for the Minister of Health. As you know, the public committee hearings on Bill 164 have begun today. Even before these hearings began, Ontarians expressed overwhelming support for strong legislation that limits their exposure to second-hand smoke. In Ottawa, that was the achievement I received the most thanks for.

Ontarians want a level playing field and strong legislation that curtails the ability of young people to purchase and smoke cigarettes. Minister, why is this bill so important to achieve our goals of making Ontarians healthier?

Hon. George Smitherman (Minister of Health and Long-Term Care): I know that the member and other members take a keen interest in the discussion around Bill 164, currently before committee. At the heart of it, this bill is important because every year 16,000 Ontarians are robbed of their families and their communities unnecessarily due to the effects of tobacco use. This is one of the most pressing public health concerns that we have in our province. I'm proud of the piece of legislation that we brought forward.

The fiscal toll is also very significant, in addition to lost productivity. I'm very proud of a bill which, if passed, would present the most comprehensive approach to this issue to be found anywhere in North America.

I think it was put well yesterday in these two lines from the Toronto Youth Cabinet: "Cigarettes are the only product that will kill you if used properly. We don't need this generation to get hooked too."

I think that puts the whole issue rather well.

Mr. McNeely: I look forward to the rest of the hearings and hope that they give all the interested parties an opportunity to express their opinions on this legislation.

The overwhelming majority of Ontarians support the notion that second-hand smoke has very detrimental health effects. Why is it important to protect people from second-hand smoke?

Hon. Mr. Smitherman: It seems, as these issues come up, that there are always those among us who choose just to argue with the clearly established science. The best answer to the harmful effect of second-hand smoke is to be found in this committee at 4 o'clock today: a very unlikely TV personality, a woman who has come to be known in the households of Ontarians, who is paying a very big price for having done nothing more and nothing less than get up every day and go to work, who is now struggling with very significant challenges related to second-hand smoke.

The honourable member opposite continues to say on this issue, as he did in committee today, "Where is the science?" I find it interesting that, in a party now led by John Tory, he would have voices calling into question the science on matters as obviously well established as the harmful effect of second-hand smoke. For those non-believers who remain, and there is at least one in that caucus, I recommend 4 o'clock at the committee today, as a very strong presentation on this matter is made.

1450

EARTH DAY

Mr. Jim Flaherty (Whitby-Ajax): My question is for the Acting Premier, who is also the Minister of the Environment. I listened with interest today to your statement about Earth Day. You talked a lot about children and students and the importance of Earth Day, and we all agree on that.

Now, we have a problem. We need some action from your government to go with those very fine words that you stated today in this place, and that is with the school

board and your friends at the elementary teachers' unions. They are the people that the Minister of Education made a \$1-billion deal with just a week or two ago, but now, because of some work-to-rule thing, the head of the union, Martin Long says, "When our co-workers on the same site are on a job action and they ask us not to do work which is theirs, then we respond to their request." For that reason they are saying to all of these children not to go outside tomorrow on this tremendous program and clean up the communities for 20 minutes. When are you going to intervene, put some action with the words and get this straightened out?

Hon. Leona Dombrowsky (Minister of the Environment): It is truly unfortunate that the honourable member chooses to focus on this very important opportunity.

Interjection.

Hon. Mrs. Dombrowsky: Yes. The honourable member the Minister of Tourism reminds me that they are the party that thinks that coal-fired generation is OK.

I think that you really need to do some better research over there. We support workers, not just teachers; we support workers in the province of Ontario. My colleague the Minister of Labour, I believe, is leading some very important initiatives in that regard.

I think it is regrettable, though, that they are playing politics with this issue. This is an important week to focus on environmental issues. I have been in schools and talked with the students. I have been very impressed with their commitment to the environment, and I know that notwithstanding whatever circumstances in their school setting, they will continue to do us proud.

Mr. Flaherty: What's regrettable is that you have a minister come into the Legislature and make a big statement, lots of words about students and Earth Day and cleaning up the environment around the schools, and when she's actually asked to do something, you get nothing. You're going to let the unions run the schools.

The education on Earth Day is supposed to be about young people and students. Yes, as some people say, grown-ups can be unreasonable at times, and I'm sure that students all across Ontario today are looking at you and saying that you're just another grown-up being unreasonable. For goodness' sake, get on the phone, get the Minister of Finance, get the Premier, do the right thing and get this sorted out today, so that the students can get out for 20 minutes tomorrow and participate in Earth Day.

Hon. Mrs. Dombrowsky: Well, it is so typical that members of the opposition would look for every opportunity to attack teachers and attack the folks in our schools. But I would challenge the honourable member to go to a school himself and talk to the students. Talk to the students like the ones in our gallery, tell the students what you'd do, what your commitment to the environment is, and I would encourage you to listen to the students. Because I can assure you that the students in our schools today are very well informed, and I have been very encouraged and most impressed with their responses, their understanding, on how to protect our

environment. I can say that I am very encouraged that our future is in good hands.

The Speaker (Hon. Alvin Curling): I would ask some ministers to take the example of some of the backbenchers and just tone it down a bit, please.

ROYAL BOTANICAL GARDENS

Ms. Andrea Horwath (Hamilton East): My question is to the Minister of Culture. You promised Hamilton citizens that you would help the Royal Botanical Gardens. Premier Dalton McGuinty pledged resources to sustain this treasured public asset with no strings attached. But that was before the Hamilton East by-election. As usual, you campaigned on false promises, because now we know there are big strings attached to any RBG funding. You have signalled that unless the RBG lays off half its employees and agrees to contracting out and privatization, the gardens won't get a single dollar of provincial funding. Why don't you take the strings off the funding so that negotiations with the RBG and CUPE workers can proceed naturally and without interference?

Hon. Madeleine Meilleur (Minister of Culture, minister responsible for francophone affairs): I want to thank the member from Hamilton for her question. Yes, there is a negotiation going on with the RBG and their workers, and we respect the right of the employees at the RBG to negotiate. We also understand that the board of directors have some difficult decisions to make, and we hope that the board and the negotiators from the RBG and CUPE will get back to the table and continue negotiations.

Ms. Horwath: Minister, your underhanded posturing has interfered with fair collective bargaining. Yesterday, RBG workers voted 85% in favour of strike action on April 30. Why? Because of your behind-the-scenes manipulation and your refusal to give the RBG a stable funding commitment.

Minister, please explain why your funding is tied to having RBG horticultural experts fired and replaced with inexperienced novices. Can't you see that your actions will drive these prize research facilities into the ground? Instead of the strong financial support you promised for the RBG in my Hamilton East by-election, you're breaking yet another promise, this time on the backs of the loyal and dedicated workers of CUPE Local 5167. I ask you once again, will you cut your funding strings and allow these valued workers to preserve the future of the RBG and keep their jobs?

Hon. Mrs. Meilleur: Again, we respect the right of the board and the RBG to make staffing decisions that they feel are in the best interests of the gardens. When we provide money to the RBG, the board makes their own decision as to where the money is going.

I am very surprised to have a question from this member, because when she was on municipal council in Hamilton, they reduced the budget of the RBG by 50%.

MUNICIPAL FINANCES

The Speaker (Hon. Alvin Curling): New question, the member from Huron-Bruce.

Interjections.

The Speaker: Order. To the members who are heckling, the member for Huron-Bruce would like to ask a question to the government, and you're just making noise. The member for Huron-Bruce.

Mrs. Carol Mitchell (Huron-Bruce): My question is for the Minister of Finance. In recent days, the Tory party has been suggesting that under the new Ontario municipal partnership plan, municipalities across Ontario will be getting less money in 2005 than they did in 2004. This is despite the fact that we have repeatedly pointed out to them the reality: Not one single municipality will get less money in 2005 than they did in 2004. I understand that counting on Tories to get their math right is a bad idea under any circumstance, but we're not asking them to do any math. What we're asking them to do is go to the Web site and just look at the numbers.

More than this, two weeks ago, John Tory wrote in the Star that we need to put truth ahead of theatre in the House. Minister, do you know what the problem is here? Do the Tories need remedial reading as well as remedial math, or is it worse than that and they need remedial honesty?

Hon. Greg Sorbara (Minister of Finance): I'd actually like to refer this question to the Leader of the Opposition, but I'm not going to do that. I am a baseball guy; I would take two out of three. I guess I'd take remedial math.

The opposition party, and the Leader of the Opposition in particular, need to know that we have cleaned up a very broken system of municipal finance. This year we have put 6.1% more in that fund to ensure that no municipality would suffer any loss of revenue under the transformation.

As far as reading is concerned, we have provided the Web site so that the Leader of the Opposition, his members and the people of Ontario can go to that Web site and see exactly how their own community has fared in this much fairer and more equitable fund.

Mr. Robert W. Runciman (Leeds-Grenville): On a point of order, Mr. Speaker: I don't know if you were listening to the question, but I think there was something totally inappropriate and out of order in terms of the question and I would ask you to instruct the member to withdraw.

Interjections.

The Speaker: Order. If the member who put forward the question said something unparliamentary, I would ask her to withdraw it.

Mrs. Mitchell: I withdraw.

The Speaker: Supplementary.

1500

Mrs. Mitchell: What's even worse about the Tory numbers is the story behind the numbers, which of course they don't tell you. Minister, why are municipalities in

such a bind for every last dollar? Could it be because the Tories downloaded costs on the municipalities? Could it be because they recklessly threw new responsibilities at municipalities while refusing to provide the necessary resources to deal with them? Could it be because they did all this without any consultation? Could it be because their record on dealing with municipalities is so dismal that they'll do anything to avoid talking about it? Minister, what do you think?

Hon. Mr. Sorbara: I think I agree with my colleague. To be serious about it for just a moment, everyone in Ontario knows the damage that was done by downloading. If you have a discussion about public transit in the greater Toronto area, that discussion begins with the downloading, when Mike Harris said, I think in this Legislature, "Public transit should be a responsibility of municipalities. We're getting out of the business." People all across the province know that when the Conservatives downloaded responsibilities for roads—Highway 88 up in the Lake Simcoe area became Regional Road 88—what did that mean? The province stopped paying for it, and the local municipality had to pay for it. When I did my pre-budget consultation, particularly in the smaller municipalities, the inequitable system of provincial funding was the number one concern. I am delighted that with these new measures, we've begun to—

The Speaker: Thank you. New question.

HOSPITAL FUNDING

Mr. Ted Arnott (Waterloo-Wellington): My question is for the Minister of Health. Does the minister think it's appropriate that an Ontario resident who needs an operation to alleviate her excruciating pain and save her one remaining kidney should have to pay \$10,000 to have that operation?

Hon. George Smitherman (Minister of Health and Long-Term Care): I'm particularly not in a position to discuss individual cases, especially when the honourable member brings forward no information.

Mr. Arnott: More than seven weeks ago, I raised this issue with the Minister of Health in this House: the problem faced by my constituent Janice Fraser. My office and Janice's doctor, Dr. Stanley Flax, have been working for months to help Janice get the bladder operation she needs: the installation of a neuro-stimulator, which we're now told will cost Janice up to \$10,000. Yesterday Janice's story was told on page one of our legislative clippings, from a story in the Toronto Sun. Seven weeks ago in this House, the Minister of Health assured me he would do what he could to help Janice. To the best of my knowledge, he's done nothing. Now Janice's parents are having to go to service clubs in our area to try to raise the \$10,000 they don't have for Janice's operation.

What kind of health care system is this government operating that contemplates paying for sex-change operations but won't pay for a neuro-stimulator that Janice Fraser needs?

Hon. Mr. Smitherman: For as long as I'm in this Legislature, I will never slink to the depths that member does, to trade one Ontarian off against the other. That is disgusting. It's just disgusting. And the other part that's disgusting is that the honourable member thinks the Minister of Health, responsible for health care services for 12.4 million Ontarians, sits in the office over there and directs the health care system to prioritize its files on the basis of how much political heat a member can bring.

In the instance of this very particular case that the honourable member brings forward, if he wished to be factual, which he clearly doesn't, he would know that the hospital where this surgery is to be performed has worked tirelessly to ensure that the honourable member's constituent is being treated appropriately in the circumstance. Is this a health care system where I prefer to be in a situation where I acknowledge that not every service we wish to be provided could be, the next day? No, it isn't—

The Speaker (Hon. Alvin Curling): Thank you. New question.

LABOUR RELATIONS

Mr. Peter Kormos (Niagara Centre): To the Acting Premier: Earlier this month, the United Food and Commercial Workers revealed overwhelming evidence of an ongoing campaign by Wal-Mart to violate and subvert Ontario's labour laws. Evidence now before the Ontario Labour Relations Board details how an undercover operative supplied money, equipment and strategic union-busting directions to some Windsor Wal-Mart workers in the wake of the union certification of the store's employees in 1997. This evidence comes in the wake of explosive allegations that Tom Coughlin, the former long-time vice-chairman of Wal-Mart, condoned a slush fund to finance anti-union activities.

Acting Premier, the people of Ontario need to know whether Wal-Mart blatantly subverted the constitutional right of workers to form a union. Will you call for an immediate public inquiry?

Hon. Leona Dombrowsky (Minister of the Environment): The honourable member brings to my attention a matter that is before the Ontario Labour Relations Board. As such, the honourable member would know that it would be totally inappropriate for me or any other member of this Legislature to make a comment on it.

Mr. Kormos: Acting Premier, you will know that going as far back as the Patti Starr inquiry, it's entirely within the capacity of a government to conduct a public inquiry while other litigation is taking place. Only a public inquiry with its investigative capacity is going to get the complete story.

The allegations are very serious, including that two of the employees who led the drive to decertify the union received an all-expenses-paid invitation directly from then-Premier Mike Harris's office to be with him when he announced changes to the Ontario Labour Relations Act, and that those two employees later received an

additional \$500 each from the Premier's office for attending the press conference.

The people of Ontario need to know the facts about what led to the decertification of the union at the Windsor Wal-Mart in the 1990s and the connection between the company, the then-Premier's office and the changes in the labour act that followed. The integrity of labour relations in this province is at stake. Only a public inquiry can conduct the appropriate investigation and compel the appropriate attendants to uncover what's going on here. Will you call it?

Hon. Mrs. Dombrowsky: Again, I think it is unfortunate that the honourable member does not appreciate that because this matter is before the Ontario Labour Relations Board, it would be totally inappropriate for me to offer any kind of commitment here today. I would suggest that for a government such as ours, which is committed to balance, fairness and openness, it's totally consistent with our desire to operate in a fair and balanced way to want to have all of the information before us before any considerations of the nature you've asked for today would be made.

SMALL BUSINESS

Mr. Brad Duguid (Scarborough Centre): My question is to the Minister of Economic Development and Trade. The minister is a recognized champion of small business who recognizes the importance of small business to our economy. The minister knows that small and medium-sized enterprises make up 99% of Ontario's businesses and account for over 50% of Ontario jobs.

Following extensive consultations, small businesses have made it clear that they're drowning under a pile of overregulation, red tape and paperwork. These small business owners want to get out from under that pile so they can continue to sell their goods, make their products and do the business that they're so good at doing and boosting our economy. What will this new Small Business Agency do to assist small businesses in overcoming these challenges and achieving growth and prosperity?

Hon. Joseph Cordiano (Minister of Economic Development and Trade): It is indeed important to recognize that the announcement today will not only help small business owners, but it's also going to help the hundreds of thousands of people who are employed by small businesses across this great province.

The Small Business Agency of Ontario will indeed save business owners time and money. For the first time, this agency will give an opportunity to the small businesses across this province through representation on the board of the agency—a real voice at Queen's Park, an equal say. In fact, we're going to have private sector representatives, along with parliamentary assistants, equally represented in the agency to advocate on behalf of small business. This will mean that we'll have an ability to cut down on red tape and the paper burden that is plaguing small businesses today. In fact, this agency will lead a regulatory review and work with other agencies

and ministries across the government to look at the ways in which small business—

The Speaker (Hon. Alvin Curling): Supplementary?
1510

Mr. Duguid: Like all communities across Ontario, the local economy in Scarborough Centre is driven by hard-working small- and medium-sized business entrepreneurs like Tony Kiriakou, who owns the famous Wexford Restaurant on Lawrence Avenue—you've probably eaten there yourself—or Keysar Nasr, who owns NASR Foods just down the road. The CFIB business barometer, the Manpower employment survey and the Bank of Canada business outlook survey are optimistic about growth prospects for small business in this coming year. Small- and medium-sized business owners like Mr. Kiriakou and Mr. Nasr want to know what your ministry is doing to keep Ontario's small businesses and Ontario's economy strong.

Hon. Mr. Cordiano: I am very confident about the direction in which small business is headed in this province. In fact, there are some good indications that growth will be unprecedented and lead the country, in terms of small business creations in the province of Ontario, and our government has helped. In addition to creating the Small Business Agency of Ontario, we launched Service Ontario, a one-window portal to access information on programs and services that we offer as a government. The ministry, along with the Small Business Agency, also created the small and medium enterprise division dedicated to small business. We also launched the Doing Business with the Ontario Government Task Force to study how the government can improve ways it does business with small and medium-sized enterprises. We've raised the small business income threshold eligible for tax exemption to \$400,000. This is truly beneficial to small business owners. We've also simplified the audit process for small businesses through streamlined retail sales tax audits. There are programs such as rural economic development data and intelligence, and tourism. We also launched a northern prosperity plan. I could go on, Mr. Speaker.

LABOUR LEGISLATION

Mr. Robert W. Runciman (Leeds-Grenville): I have a question for the Acting Premier. Earlier this week, your Premier and a number of your cabinet colleagues attended a fundraiser in Vaughan, where you received a big, fat \$200,000 cheque from construction unions as a thank you for legislation now going to a committee of this House for consideration which removes the requirement for a secret ballot in union organizing drives. Can you appreciate the implications, the optics of such a meeting, where you're receiving a \$200,000 cheque for favours granted, and the impression it leaves that there has been inappropriate influence on the development of legislation by your government? Why would you do that? Will you move toward removing the offending, as I call

them—and I'm sure many Ontarians agree—elements of the legislation when they appear before committee?

Hon. Leona Dombrowsky (Minister of the Environment): I have to say that that kind of question doesn't even deserve an answer. This party, along with every other political party in the province, in the country, has fundraising activities. Members of your party participate in fundraisers. We've had a document here very recently where there was an event for \$1,000 per person to meet your leader personally. There were developers there and a range of representatives from other professions. So I would suggest to the honourable member that it's really desperate that he would come to this House and make these kinds of allegations and suggest that our activities are anything different from their activities.

Mr. Runciman: I would suggest to the minister that she and her colleagues have stained the legitimacy of the provisions of this legislation which benefit the same unions who were thanking you the other evening with a very fat \$200,000 cheque. If the minister can't understand this, that's not strange, given some of the tactics of their colleagues, with \$10,000-a-head fundraisers when they're developing the boundaries of the greenbelt. Madam Minister, why would you and your colleagues agree to attend such an event just while this legislation is before a committee of the House? Why would you do such a thing?

Hon. Mrs. Dombrowsky: I just want the honourable member to answer the same question on behalf of your party. Where there is a fundraiser for your leader, John Tory, there are members of the development community who are actually on that committee. It's chaired by a municipal councillor, Joyce Frustaglio. We have committee members Carlo DeGasperis, Tina Molinari, Franco Palladini, Jane Pepino and Frank Romeo. If you're going to suggest that there were some deals made at a fundraiser for our party, I think a legitimate question for you is, what deal have you made with these developers? What greenbelt lands have you said you'll take out if you're elected to government? Those are the—

The Speaker (Hon. Alvin Curling): Thank you.

May I just caution both sides: Lately, accusations have been passing from one side to the other about money being passed to members for favours. I would caution those who are asking questions to be more careful of what they present, and those who are answering to be careful of how they present that. This is not a place where we should be doing this. I ask honourable members to behave in an honourable way.

PETITIONS

SPORT PARACHUTING

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas the lives of student and novice sport parachutists have been and continue to be lost to a systemic lack of regulation or accountability on the part of any currently governing bodies;

"Whereas inconsistent monitoring, a serious disregard for, or inability to responsibly and competently police adherence to rules, regulations and manufacturer specifications on the part of the skydiving schools and the Canadian Sport Parachuting Association creates unnecessary risk to human life;

"Whereas evidence presented at the coroner's inquest of Gareth Rodgers suggests that the current regulatory body"—the CSPA—"has no desire for accountability or means of enforcing rules and regulations in the sport of parachuting;

"Whereas a system of teaching standards and regulations to safeguard novice and student sport parachutists is grossly deficient;

"Whereas Joe Tascona, MPP Barrie-Simcoe-Bradford, has introduced a private member's bill, the Gareth Rodgers Act for Sport Parachuting, to regulate sport parachuting activities for the safety of student and novice skydivers;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"(1) That the Dalton McGuinty Liberal government immediately pass and implement Joe Tascona's bill;

"(2) That the Dalton McGuinty Liberal government petition the federal Liberal government to act in a swift and responsible manner in order to ensure that the lives and safety of sport parachutists, especially student and novice jumpers, are protected by law and that the skydiving industry operates in a responsible, competent and transparent manner;

"(3) That the federal Liberal government consider immediate and responsible interim measures to suspend these activities until a viable solution to this matter may be attained;

"(4) That the federal Liberal government seriously consider the 12 sound recommendations submitted by the jury in the coroner's inquest of the skydiving fatality of Gareth Rodgers;

"(5) That the federal Liberal government make the industry both responsible and accountable for its actions and omissions, within strict standards of safety that must be governed by a competent body whose paramount mandate must be to maintain current equipment, thorough and competent record-keeping, and to ensure that manufacturer specifications are strictly adhered to and that appropriate safety standards are being observed at all times for student/novice skydivers and the equipment that they use."

I support the petition and sign it.

PIT BULLS

Mr. Norm Miller (Parry Sound-Muskoka): I have a petition to do with aggressive dogs. It says:

"To the Legislative Assembly of Ontario:

"Whereas aggressive dogs are found among any breed or crossbreed; and

"Breed-specific legislation and breed bans are not effective solutions to the problem of dog attacks; and

"The problem of dog attacks is best dealt with through a comprehensive program of education, training, and legislation encouraging responsible ownership of all breeds;

"We, the undersigned, petition the Legislative Assembly of Ontario to refrain from enacting provincial animal control legislation that is breed specific, and instead implement a comprehensive bite prevention strategy that encourages responsible ownership of all breeds."

I support this petition, and affix my signature to it.

1520

SENIOR CITIZENS

Ms. Andrea Horwath (Hamilton East): This is a petition to the Legislative Assembly of Ontario.

"We, the undersigned, petition the Legislative Assembly as follows:

"To immediately commit to action and funding to ensure the rights and protection of our senior citizens living in nursing homes and retirement homes throughout Ontario."

I'm sending it down by way of Ryan. I agree with it, and my signature is on it.

CREDIT VALLEY HOSPITAL

Mr. Bob Delaney (Mississauga West): I'm pleased to present a petition to the Ontario Legislative Assembly from the Vaccaro family on Credit Pointe Drive in Mississauga and some of their friends. It reads as follows:

"Whereas some 20,000 people each year choose to make their home in Mississauga, and a Halton/Peel District Health Council capacity study stated that the Credit Valley Hospital should be operating 435 beds by now, and 514 beds by 2016; and

"Whereas the Credit Valley Hospital bed count has remained constant at 365 beds since its opening in November 1985, even though some 4,800 babies are delivered each year at the Credit Valley Hospital in a facility designed to handle 2,700 births annually; and

"Whereas donors in Mississauga and the regional municipalities served by the Credit Valley Hospital have contributed more than \$41 million of a \$50-million fund-raising objective, the most ambitious of any community hospital in the country, to support the construction of an expanded facility able to meet the needs of our community;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ministry of Health and Long-Term Care undertake specific measures to ensure the allocation of capital funds for the construction of A and H block at Credit Valley Hospital to ensure the ongoing acute care needs of the patients and families served by the hospital

are met in a timely and professional manner, to reduce wait times for patients in the hospital emergency department and to better serve patients in the community in Halton and Peel regions by reducing severe overcrowding in the labour and delivery suite."

This is my home hospital in the middle of Mississauga West. I'm pleased to support it. I affix my signature and ask Ryan to carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to that.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I'm very pleased to present a petition today from Peter and Iris Orphanos on Drenkelly Court in Mississauga, which is signed by a number of their friends and neighbours in Mississauga. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas there are no established Ontario-wide standards to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Be it therefore resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, that requires that every school principal in Ontario establish a school anaphylactic plan."

I agree with this petition. I'm pleased to sign it and to ask Peter to carry it for me.

PIT BULLS

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to present a petition to the Legislative Assembly of Ontario, which reads as follows:

"Whereas aggressive dogs are found among any breed or crossbreed; and

"Breed-specific legislation and breed bans are not effective solutions to the problem of dog attacks; and

"The problem of dog attacks is best dealt with through a comprehensive program of education, training, and legislation encouraging responsible ownership of all breeds;

"We, the undersigned, petition the Legislative Assembly of Ontario to refrain from enacting provincial animal control legislation that is breed-specific, and instead implement a comprehensive bite prevention strategy that encourages responsible ownership of all breeds."

I support the petition and sign it.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): I'd like to read another petition to protect anaphylactic students. This one originated from Mario Varano, Nova Robson and Gino Grisolia, and it read as follows:

"Whereas there is no established Ontario-wide standard to deal with anaphylaxis in Ontario schools; and

"Whereas there is no specific comment regarding anaphylaxis in the Ontario Education Act; and

"Whereas anaphylaxis is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all Ontario schools;

"Be it therefore resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario support the swift passage of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

Everyone who signed this is from Toronto, save one family from Mississauga. I'm pleased to join them by affixing my signature and asking Michael to carry it down for me.

WILDLIFE PROTECTION

Mr. Ernie Hardeman (Oxford): I have a petition signed by a great number of my constituents.

"To the Legislative Assembly of Ontario:

"The unreasonable and inhumane restriction that the Ontario Ministry of Natural Resources (OMNR) is placing on wildlife rehabilitators with respect to the release of orphaned animals will eliminate their ability to help wildlife.

"Whereas wildlife rehabilitators provide an essential public service for many thousands of people seeking help on behalf of orphaned and injured wildlife in Ontario;

"Whereas the unreasonable release restrictions imposed on wildlife rehabilitators for animals in their care by the OMNR will prevent responsible wildlife rehabilitation, not only compromising wildlife and frustrating the public but forcing it underground and thereby jeopardizing safety;

"Whereas this will incur significant new cost for local governments with respect to bylaw and public health and safety interventions while creating an emotional and volatile climate because the majority of people in Ontario are simply unwilling to see healthy young animals euthanized;

"We, the undersigned, are deeply concerned that the care and release restrictions imposed by the Ontario Ministry of Natural Resources which are in violation of the international standards will eliminate the provision of responsible wildlife services in our community.

"We petition the Legislative Assembly of Ontario to work with wildlife rehabilitators to ensure progressive, humane and responsible regulations that reflect the international care and release standard that states: 'Orphaned wildlife should be raised with others of their own species, to learn proper conspecific behaviours, and the group should then be released together in appropriate natural areas, with the transitional care for those species that require it, generally within the city or county of origin.'"

I thank you very much for allowing me to present such a lengthy petition.

ANAPHYLACTIC SHOCK

Mr. Bob Delaney (Mississauga West): It's my pleasure to read a petition circulated by my seatmate, Kim Craiton, the member for Niagara Falls, from the Niagara Anaphylaxis Support and Knowledge group. This particular petition was originated by Mary Ann Harrison, and Martha and Arno Bartel, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas there are no established province-wide standards to deal with anaphylactic shock in Ontario schools; and

"Whereas there is no specific comment regarding anaphylactic shock in the Education Act; and

"Whereas anaphylactic shock is a serious concern that can result in life-or-death situations; and

"Whereas all students in Ontario have the right to be safe and feel safe in their school community; and

"Whereas all parents of anaphylactic students need to know that safety standards exist in all schools in Ontario;

"Therefore be it resolved that we, the undersigned, demand that the McGuinty government support the passing of Bill 3, An Act to protect anaphylactic students, which requires that every school principal in Ontario establish a school anaphylactic plan."

I continue to remain in support of this petition and ask Alex to carry it down for me.

REGIONAL CENTRES FOR THE DEVELOPMENTALLY DISABLED

Mr. Garfield Dunlop (Simcoe North): "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

I'm pleased to sign my name to this.

1530

The Speaker (Hon. Alvin Curling): Petitions? The member for Simcoe North.

Mr. Dunlop: "To the Legislative Assembly of Ontario:

"Whereas Dalton McGuinty and his Liberal government were elected based on their promise to rebuild public services in Ontario;

"Whereas the Minister of Community and Social Services has announced plans to close Huronia Regional Centre, home to people with developmental disabilities, many of whom have multiple diagnoses and severe problems that cannot be met in the community;

"Whereas closing Huronia Regional Centre will have a devastating impact on residents with developmental

disabilities, their families, the developmental services sector and the economies of the local communities; and

"Whereas Ontario could use the professional staff and facilities of Huronia Regional Centre to extend specialized services, support and professional training to many more clients who live in the community, in partnership with families and community agencies;

"We, the undersigned, petition the Legislative Assembly of Ontario to direct the government to keep Huronia Regional Centre, home to people with developmental disabilities, open, and to transform them into 'centres of excellence' to provide specialized services and support to Ontarians with developmental needs, no matter where they live."

Mr. Speaker, I'm pleased to sign this and present it to Peter to take down to you.

ORDERS OF THE DAY

FAMILY RESPONSIBILITY AND SUPPORT ARREARS ENFORCEMENT AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT LA LOI SUR LES OBLIGATIONS FAMILIALES ET L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS

Resuming the debate adjourned on April 18, 2005, on the motion for second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997 / Projet de loi 155, Loi modifiant la Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments et apportant des modifications corrélatives à la Loi de 1997 sur la protection du poisson et de la faune.

The Speaker (Hon. Alvin Curling): Further debate?

Mrs. Pupatello has moved second reading of Bill 155, An Act to amend the Family Responsibility and Support Arrears Enforcement Act, 1996 and to make consequential amendments to the Fish and Wildlife Conservation Act, 1997.

Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Mr. Peter Kormos (Niagara Centre): No.

Hon. David Caplan (Minister of Public Infrastructure Renewal): Mr. Speaker, I would ask that the bill be referred to the standing committee on general government.

BUSINESS OF THE HOUSE

Hon. David Caplan (Minister of Public Infrastructure Renewal): On a point of order, Mr. Speaker: Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

On Monday, April 25, 2005, in the afternoon, Bill 169; in the evening, Bill 186.

On Tuesday, April 26, 2005, in the afternoon, Bill 183; in the evening, Bill 186.

On Wednesday, April 27, in the afternoon, opposition day; in the evening, Bill 110.

On Thursday, April 28, in the afternoon, Bill 186.

PRIVATE SECURITY AND
INVESTIGATIVE SERVICES ACT, 2005
LOI DE 2005 SUR LES SERVICES PRIVÉS
DE SÉCURITÉ ET D'ENQUÊTE

Resuming the debate adjourned on April 19, 2005, on the motion for second reading of Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999 / Projet de loi 159, Loi révisant la Loi sur les enquêteurs privés et les gardiens et apportant une modification corrélative à la Loi de 1999 sur le Tribunal d'appel en matière de permis.

The Speaker (Hon. Alvin Curling): My understanding is that the member from Niagara Centre had the floor.

Mr. Peter Kormos (Niagara Centre): Thank you kindly, Speaker. I'm completing the leadoff on behalf of New Democrats.

We indicated when we last spoke to this that we were cautiously supportive of the bill. We agree with the proposition, with the principle, that security guards and private investigators should be regulated and that the existing regulations are inadequate and have to be brought forward into, I suppose it could be said, the 21st century. However, I want to repeat briefly what I had occasion to say when I last spoke to Bill 159, and that is that it gives every impression of having been incredibly hurriedly drafted, because of the obvious—even on first reading there are things that jump out at you as being matters of real concern.

For instance, it would require that the operators of a mini-storage, let's say, who wanted to hire somebody simply to keep watch on the grounds during the midnight shift or for the period of 9 p.m. to 7 a.m. the next morning, the period of time when the mini-storage operation wasn't going to be accessible to tenants using the units—if that operator wanted to hire a retiree or a high school, college or university student to perform this role of merely keeping watch, and nothing more would be expected of that person should there be something untoward than to merely call the police in their own right, in other words, that person wasn't to effect an arrest, wasn't to physically interact with anybody who might be trying to break and enter into a place or who was prowling around a place, that operator of that mini-storage operation would not be allowed, by virtue of Bill 159, to hire that university student or that retiree to perform the traditional role of a—we used to call them

watchmen. We'll call it a watchperson, for the sake of being fair and politically correct.

This is incredibly peculiar. We understand, especially after understanding the impact of the Shand inquiry, how important it is that security guards who are going to interact with the public, who are going to perform that role of private policing, including the power to make arrests—because really, the security guard has no powers other than those of you, me or any other plain citizen, in contrast to police officers, but when you reflect on it, police officers really have but a few powers that are additional to those of the regular citizen; a very few.

The security guard, for instance, who effects an arrest of someone he or she observes stealing an item from a supermarket shelf, or perhaps from a high-priced clothing store handling men's and women's Armani suits, up in the carriage trade district of Bloor Street—we were talking about those just last week, when Mr. Berardinetti and his wife were talking about how they were being robbed by the purveyors of high-priced Armani clothing, who discriminated when it came to women's suits as compared to men's suits. Let's say one of them wanted to exact some street justice and say, "Well, if this retailer who's selling Armani suits is going to steal from me, I'm going to steal from him or her. We'll shoplift, we'll boost, we'll five-finger discount this women's Armani suit." The security guard, or any other person in that store who witnessed them committing a theft, would have the power to effect an arrest: to seize them, lay hands on them and, in effect, take them into custody.

That's all a security guard does in a department store, in a supermarket or in a high-priced clothing store that charges discriminatory prices for Armani women's suits as compared to Armani men's suits. That's all they're doing: performing a so-called, colloquial, citizen's arrest. We understand that security guards performing that function should be regulated to a relatively high standard precisely because of the problems we encountered in Shand. A person died during the course of, effectively, an arrest, and there were concerns about the level of training that it appears the well-meaning, but inappropriately behaving, security guard in those circumstances displayed.

I'm not sure if that's the government's intention. Is it the government's intention, Ms. Mossop, to basically outlaw the night watchman who merely keeps an eye on a mini-storage operation or a construction site, where you don't expect the person performing that role to be interacting with the public? You don't expect that person to be conducting any arrests or to get physically involved in any way. Their sole purpose is to be there, and if anything untoward happens, to pick up the cellphone and call the police.

1540

I'm not sure if that's the government's intention. I'd appreciate somebody from the government saying so, because that's precisely what the bill does. The bill makes it impossible for that mini-storage operator, for that construction site developer, to hire a university student, a college student, a high school student, a retiree,

anybody performing that low-level job, in terms of the demands on you, of simply being the watchperson. I don't think that's what we want when we contemplate effective regulation of security guards. I don't think that's what we want at all.

Take a look at what it does to local agricultural fairs. I don't know about where you come from in Scarborough, but where I come from in Welland we have an agricultural fair every year. Believe it or not, one of the highlights of the fair, second to the livestock exhibition, is the beer tent. The beer tent is, more often than not, run by a charitable organization because the proceeds from the sale of beer are applied to that charity. We're not talking about some raucous crowd on Yonge Street; we're talking about Welland, where you don't have to be fair. Maybe it's just because we're a small town, but the fact is that the people running the beer tent at the Niagara Regional Exhibition get away with hiring a couple of volunteers, let's say from the Kinsmen Club or the Rotary Club or the Lions Club—whatever organization—and giving them 20 bucks apiece and a couple of beers at the end of the night to act as peacekeepers; in effect, bouncers. But they're not ever going to be involved in any physical interaction, because if something happens that's beyond merely telling somebody, "You're under age and you can't come in," they're going to call the police.

This bill—understand this, Ms. Mossop—makes it impossible for the local Kiwanis Club, Lions Club or Rotary Club to run a beer tent at the local agricultural exhibition come fall time and pay some of its members a stipend of 20 bucks apiece to operate as quasi-bouncers. I understand, when you've got some place like the El Mocambo—

Mr. Michael Prue (Beaches–East York): It's closed.

Mr. Kormos: The El Mocambo is closed. When you've got some nightclub kind of place where you've got all different kinds of people and where there's a risk of violence, I understand that the bouncer—because this bill contemplates the regulation of bouncers; a bouncer is a security guard, for the purposes of the legislation—is going to do that real intense interaction with patrons, ejecting patrons. When there's a risk or a fear of weapons being brought into this nightclub, whatever, that bouncer should be trained to a standard that ensures his or her safety and the safety of the patrons.

But I submit to you that standing at the door or gate of the beer tent run by a Kiwanis Club at the Niagara Regional Exhibition for three or four days in a row doesn't require the same level of training or expertise, nor should it demand the cost that is going to be incurred. If you want more highly trained security guards, God bless, but you're going to have to pay for them; understand that. So understand as well that this bill in its present form makes it impossible for the Kinsmen, Kiwanis or Lions Clubs to get half a dozen fellows, or three or four, and pay them 20 bucks apiece and a few beers at the end of the night. You see, they won't be licensed security guards, and the bill makes it a specific

offence to employ somebody who is not a licensed security guard.

We talked about construction sites; we talked about mini-storage sites; we talked about charitable events like the beer tent. We can go one further: When the local church hall has a non-alcoholic junior teen dance and may want to hire a couple of older teenagers simply to monitor the event and act as chaperones, maybe a couple of college students, once again, those college students in that role will be security guards, as defined by the legislation, and that church hall operating the youth teen dance and wanting to have a couple of older teenagers or young adults there to supervise—they're not going to be seizing weapons from anybody. They're not going to be ejecting drunken patrons or people who have become so rowdy and violent on, who knows, marijuana, maybe, although Mr. Prue seems to suggest that his experience with people who have consumed marijuana is that they're unlikely to be violent or rowdy.

Mr. Prue: They're more likely to be asleep.

Mr. Kormos: Mr. Prue says, and Hansard will have caught his interjection, that they're more likely to be asleep.

To be fair, I've never seen a bloody brawl between a couple of stoners. I've seen them down on their hands and knees looking for the rolling papers, but I've never seen a bloody knock-'em-down brawl between a couple of stoners. I don't know whether Ms. Mossop has a different experience than I do. She's shaking her head in the negative.

Ms. Jennifer F. Mossop (Stoney Creek): Pizza.

Mr. Kormos: There you go. She talks about the serious impact of the cravings for pizza and other junk foods.

Ms. Mossop: You never know.

Mr. Kormos: As she says, one never knows, but where would the Vachon cake company be without those people, the stoners? Think about it.

We have a situation where a church running a non-alcoholic youth dance—those are desirable things, I presume; I think they are—won't be able to hire a couple of college students for 20 or 30 bucks apiece to supervise these kids at the youth dance, because these people won't be licensed security guards.

I don't think that's what the government intended. If it does, it should say so, and if it doesn't, then by all means let the government stand up and agree that this bill should get out to committee hearings that are pretty broad-based and pretty extensive. I put to you that there's a world of difference between Toronto and small- and smaller-town Ontario.

Ms. Mossop knows, because where she comes from is the farthest thing in the world from the intersection of Yonge and Bloor, and a Subway is where you go to buy the sandwich, as compared to how you get from your place of residence to work. I think if Ms. Mossop were to speak to this bill she'd express some of the same concerns I have, that it will in its present form have an

impact on small- and smaller-town Ontario that I don't think any of us want to see imposed.

This is an observation I had occasion to make. It's just an illustration. The bill has to go to committee. I think there are phenomena around security in Sudbury, in North Bay, in Kenora, in Rainy River, in small rural Ontario, Fenwick, Pelham, Fonthill or Thorold, circumstances wherein what's perceived as security is not the type of security that's to be regulated, or intended to be regulated, or that even should be regulated by this legislation.

We agree that the operations that parade as police or militia with the black uniforms and the jackboots and the shoulder flashes and the batons and the dogs and the police car type vehicles—that's exactly one of the points and that's exactly why the bill, not inappropriately, contains restrictions or the capacity to make regulation around the type of uniform security guards wear.

I want to bring your attention to one section that illustrates how speedily this bill appears to have been drafted, without any real contemplation of the real world.

Catch this, section 35, Mr. Prue, please.

"(1) Every person who is acting as a security guard ... shall,

"(a) carry his or her licence;"

This is the important part:

"(b) on request, identify himself or herself as a security guard; and

"(c) on request, produce his or her licence."

1550

It goes on to say, "Every person who is acting as a security guard ... shall wear a uniform,"—and here's the exemption—unless that person is "performing services to prevent the loss of property through theft" in, among other things, a retail environment. We're talking about the floorwalker, the plainclothes person.

So a security guard licensed under the act—and to work as one, you have to be licensed—has to wear a uniform as prescribed by the act, but not a floorwalker in the Wal-Mart, Zellers, the LCBO—the LCBO uses floorwalkers in some of their locations—the Canadian Tire store. I'm a fan of Canadian Tire. I bought a pressure washer there last Sunday, 40% off.

Interjection.

Mr. Kormos: For the patio, the sidewalk, the neighbours' cats; 15 pounds per square inch. That pressure washer was a deal.

The floorwalker at Canadian Tire doesn't have to wear the uniform. However, if they're asked, they have to identify themselves as a security guard and, furthermore, have to produce their licence.

So catch this. I'm not saying that any particular person or group of people shoplift more than others, but a gaggle of teenagers in the record department of a Zellers—and teenagers so often are targeted by the floorwalker, right? But teenagers—I don't know—sometimes their wants are greater than their capacity to buy, just sometimes, without stigmatizing teenagers here. So the teenager who, maybe because of a youthful lack of discretion, is hell-

bent on boosting a CD but sees the floorwalker sort of observing them, has the right under this legislation to go to that floorwalker, ask if they are a security guard, and if that person is the floorwalker for the record department of the Zellers store, that person has to say, "Yes, I am a security guard. Oh, and by the way, don't go, I've got my licence to prove it."

It seems to me that that frustrates the purpose of having a floorwalker in your department store, doesn't it, Ms. Mossop?

Ms. Mossop: They just prevented the crime.

Mr. Kormos: No. What they did was send that person from Zellers over to Sam the Record Man, and Sam the Record Man isn't pleased at all. If Ms. Mossop thinks that people should steal from Sam the Record Man as compared to the Zellers record department, that's her prerogative, but I find it surely not the intent of the drafters. If they don't require floorwalkers, for instance, to wear uniforms, they surely don't require floorwalkers to identify themselves on request as a security guard. Surely that's not the intent.

This bill has got to go to committee. It's got to be a broad-based committee. I'm suggesting that this bill go to committee during the summer break, and I will be more than pleased to utilize that time for a thorough and exhaustive canvass.

There are all sorts of sectors. The trade union movement has an interest. OPSEU, the Steelworkers, among others, who have organized security guards, have an interest. The security guard industry—Bomar, Trojan etc.—has an interest. The retail sector has an interest. The industrial sector has an interest. The housing sector has an interest, because they are increasingly reliant upon privatized policing. Police officers have an interest. Communities have an interest, because they increasingly use privatized security; once again, any number of communities use security guards to keep an eye on parking lots, swimming pools and other public assets.

Charitable organizations have an interest in this. People in the beverage and food service industry have an interest in this, because it specifically applies to bouncers. People in the entertainment industry, people who conduct concerts and promote concerts, local arenas that contain these concerts, that act as a venue for these, have an interest in this. And probably 20 more constituencies—warehouse operators, mini-storage operators, the construction industry, because of its need to maintain security on the site—have an interest in this. So it would be ill-advised for this government not to utilize the summer months for thorough, broad-based, small town as well as big city, hearings across the province.

The Acting Speaker (Mr. Joseph N. Tascona): Questions and comments?

Mr. Lorenzo Berardinetti (Scarborough Southwest): I want to start off by thanking the member from Niagara Centre for his remarks, and in particular for promoting my private member's bill, which was debated a week ago today, actually. So I thank you, Mr. Kormos, for your promotion of my bill.

We shouldn't only talk about Armani suits and trying to protect them through security guards. There are places that you mentioned in your speech last week: Blake's menswear on Niagara Street, David Chev-Olds in Welland, the Blue Star restaurant on King Street. Maybe they need security guards. Maybe they need them; I don't know. Maybe in your rebuttal you can tell me.

But I can tell you a story about Kennedy Road. If you want to come out to Kennedy Road in Scarborough—I'd love to have you come out to Kennedy Road someday. We have about 300 businesses in that area that formed a BIA, a business improvement area. They went out and hired a private security company and, after a few months, they had to get rid of that security company and replace it because that security company wasn't doing its job—the security guards. So we ended up getting another security company that came out and they began doing their job. They came to our BIA meetings and seemed to operate in whatever way they wanted to.

I think the bill in front of us today at least puts some structure into place and has some mandatory requirements; for example, how to issue a licence, how a licence is revoked and how they're basically applied for. I think these things are important to deal with.

So instead of promoting expensive suits, Mr. Kormos, I think it's important to realize that the bill in front of us today provides a structure, and we need it. I know that out in Scarborough, which is a fine part of Ontario and which you should come out and visit someday—because I've certainly visited Niagara. We have an effective BIA with an effective, good-working security company, which could be well regulated by this act.

Mr. Garfield Dunlop (Simcoe North): I'd like to compliment the member from Niagara Centre on his comments. I took in the first 40 minutes, I guess it was on Tuesday afternoon, and now we're following through today with the remaining time in his leadoff.

He makes some interesting points, but I think the most interesting point is the fact that it's quite clear that on this particular piece of legislation, there seem to be a few unanswered questions; in fact, maybe a lot. Both myself and Mr. Kormos, as critics in this particular area, will be looking forward to a number of opportunities in committee to bring forth a number of stakeholders. I understand there were about 600 stakeholders involved in the original consultation period, yet we haven't seen a lot of those names mentioned in any of the comments from the minister or the parliamentary assistant, so it will be interesting when we reach out to those stakeholders again and ask them for input on the recommendations.

I think what's important also is that so much of this bill is left up to regulations right now that perhaps there's a possibility that if we don't have some of what may have been in the regulations actually incorporated into the bill, we'll have to have a consultation process on the regulations as well.

At first, the bill doesn't seem to be that complex. But when you get digging into a lot of the issues that Mr. Kormos in particular has brought up in his comments, in

different areas with students, with service clubs, those organizations requiring the use of security guards—

Mr. Kormos: In modest levels.

Mr. Dunlop: —yes, in very modest levels—then it's clear that we need to make sure that the regulations and/or the legislation, in fact, deals with those organizations, and doesn't become a burden to organizations like that in our province.

Mr. Prue: I have had the privilege of listening to my colleague from Niagara Centre for the last 20 minutes or so. I am amused and, at the same time, I learn things—

Interjection.

Mr. Prue: Yes, absolutely, totally amazing.

In reading this bill, I have to acknowledge that I had never given one minute's thought to the problem of someone who is working undercover in a store being forced to identify themselves as a security guard. It caught me a little bit by surprise because I remember in the days before I became a politician, I worked in the immigration department, and I often worked very closely with the police department of the city of Toronto. We would go down and talk to the police, and they had a whole division of undercover officers called the "old clothes division." We used to refer to them as like bums. They would be dressed in old, raggedy clothes. They would be on the street. They would be looking like a homeless person. They would be looking like somebody who was a street person. They would just sort of be around. They were the eyes and ears of Toronto. They would be there and they would look at things, and people would pay them no never mind. They were able to collect information that a police officer in uniform would never, ever, in his or her life be able to collect.

I had to stop to think and extrapolate for a minute, because it's the same kind of job. You're collecting information. You're looking at people who are transgressing. What would those guys have to do if somebody walked up to them and said, "Are you a police officer? Show me your badge." Are they supposed to say yes and compromise what they are doing? I don't think so, nor would I think that somebody in a store should be required to do exactly the same thing. Certainly there are people who look in the stores and try to figure out who they are, and to make it this easy is beyond belief.

1600

Mrs. Liz Sandals (Guelph-Wellington): I'm pleased to respond to the comments from the member for Niagara Centre on Bill 159. It's an interesting problem he's raising here, that perhaps the bill is going to require everyone who wants to have, for example, a school dance to go out and hire security guards. I think we're getting into a little bit of a stretch on semantics, because clearly, if you are having a school dance and you have a chaperone or a supervisor, nobody's saying you have to have a security guard's licence if you're going to be a chaperone or a supervisor. I've read the bill too. The concept of a chaperone or supervisor at a dance would not be included in this.

However, despite the member for Niagara Centre's attempt to say that perhaps all of us who live in smaller communities have no need for these higher levels of security, it would be my observation that at a lot of school dances, in fact, people hire off-duty police officers precisely for the business of providing security. I would suggest to you that if there were properly trained security people available in the community, a lot of those organizations might be quite happy to be able to hire properly trained security guards to appear at those sorts of events, rather than having to always rely on off-duty police officers.

So I think there is actually another side to this argument. One of the things we have consistently heard is that there are too many people who are untrained who are performing security jobs and causing a large number of problems.

The Acting Speaker: Thank you. In response, the Chair recognizes the member from Niagara Centre.

Mr. Kormos: Holy moly, I'm saying we cautiously support the bill. People get defensive here. They get their knickers in a knot, saying, "Oh, I've got to blindly defend this bill." Please, I'm saying the bill is in substance the right direction to go. Whoa, let's not get neurotic about this. What I'm furthermore saying is that there are some problems with the bill that can be addressed during the course of committee.

Interjection.

Mr. Kormos: Yes, there are some problems with volunteer events, like the Kiwanis Club holding events where they need extremely low levels of monitoring.

Let me put this to you. Here's yet another scenario: Under this bill, the person whose job it is to monitor a security system, in other words, who is sitting at a console monitoring alarms etc., may well be required to be, because of the nature of the job, a licensed security guard under the regulation and under the statute. I think that's of concern. I think the government would want to have these concerns raised before the fact, rather than after the fact when the grief has already flowed.

I've got concerns about the scab operations, the security firms that specialize in busting up sisters and brothers on legal picket lines. I've got real concerns about those. I'm the first to want to shut those people down and make them comply with tough, strict regulations and standards. But I'm telling you right now that the retail sector should have some concerns about the bill as drafted. The warehouse, mini-storage and construction sectors should have some concerns about the bill as drafted. The municipal sector should have some serious concerns about the bill as drafted. Let's deal with those in committee.

The Acting Speaker: Further debate?

Mr. Mario Sergio (York West): I'm delighted to add to debate on this particular piece of legislation. It is a good piece of legislation that was introduced by the minister at some time late last year.

In response, quickly, to previous speakers, this is one more reason we should be debating it on second reading

and sending it to committee to hash out these problems. I believe that the members from Simcoe North and Niagara Centre have said, if there are any problems, then let's send them to committee, let's hear from the private sector, let's hear from those interested parties who can add to the bill and then bring it back and approve it. It is important.

I don't profess to give justice to every point the bill addresses in just a few minutes, but let me say a few things on why it's important that we get on with this piece of legislation.

First, it aims to bring some sense of fairness, security and peace of mind to an area of industry that deals with personal property and persons. I think we should all be concerned with respect to that. What does this piece of legislation do? It aims to revise the Private Investigators and Security Guards Act and at the same time intends to amend the Licence Appeal Tribunal Act, as it was last revised back in 1999. Once we take that into consideration, we will see that the bill travels out of this place, into the business community, and then we bring it back.

Private investigators and security guards have to have some comprehensive order of representing themselves as a clean body, a regulated body, so the public would be familiar with them and aware of the type of service that is expected from them. That is why I believe it's so important today that we indeed go out and bring this bill back, hopefully with some amendments that will make it better than it is today.

Who can be a security guard? Who can be an investigator? What are those requirements? We don't have any today. The bill, with all due respect to the members on the other side, provides all of that, and the public should know that, and those providing the service should know that as well. Once we think of providing a service to the general public, to the people of Ontario, where personal property and personal protection are involved, then we should make it our business as well. I know that the members of the House understand that, and if they have some concern, as the member said before, some unanswered questions, that's where those questions would be answered, when the bill travels and we hear from the various communities.

What are those things that we would demand from someone who wants to be a security guard or private investigator? First of all, the intent of the bill is to license those particular persons. The bill, as it is already, tells the public what's necessary to be a security guard or a private investigator. The way we have it at the moment—and I don't have to tell you, Mr. Speaker—you can go anywhere, anyplace. God knows, especially in today's environment, how important it is to have this peace of mind, that trust in someone who is guarding our homes, our banks, our properties, our places of employment, our government agencies, our other institutions and yes, if you will, our schools. Even when the kids have one of their own get-togethers, shouldn't we make sure that we provide someone who is fully trained, someone who has

a licence, someone who is responsible, morally and otherwise? Shouldn't we? I believe so.

1610

What are some of those conditions for obtaining that particular licence? First of all, you have to have a clean criminal record. You cannot have a criminal record and apply. You have to be 18 years of age or older. You have to be entitled to work in Canada, absolutely. Of course, you will have to have completed the training courses required, and the testing as well. I believe that we would provide a very useful service to our communities, to our business communities, to our industries, to our schools and to our places of employment by saying that at least we have someone who's got some training. There's some trust.

I don't have to tell you that when you drive today—you don't have to be driving; you can be standing still in some places—you will see cars marked as security guards in different colours, pretending—by using some of the colours of our police force, for example. They're very close to that. They wear a uniform that's very close to that. I think it's important that the public can clearly identify who is a police person and who is a security guard or an investigator. I think we have to make that doubly clear. I'm pleased that the minister, even when he introduced the bill the first time, made that particular point: that there is a very important distinction we have to make, and we have to provide the tools to our communities to make sure that it's very clear.

I'm saying to the members of the House today that, to provide peace of mind to our business community today, we have to debate it in this House, send it forward and approve it. You can go from the airport, even though it is under federal jurisdiction, to any other place in our business community and you will find security guards. You'll find them in green uniforms, you'll find them in grey uniforms, you'll find them in mixed colours. They drive different-coloured cars. I believe it's our responsibility to say to the industry itself, "You have to have some uniformity. You have to clean yourself up and provide a quality service to the public that is recognizable and effective."

We are not the only ones asking for that. There are agencies out there providing this type of service now that have come to the government and said, "Look, we are genuinely providing a service to the business community, but there are others who are untrained, and we feel that this is an area where you should be responsible for making sure that the people in Ontario and our business community have qualified protection."

If that's already coming from members of the industry now, why shouldn't we answer that call and say yes, indeed, we believe we should have security guards and investigators who are fully qualified and fully trained to serve our businesses and our individual properties? When it comes to our personal property—not only our own personal property; I mean the property of all people in Ontario—and our own family responsibility to provide that security, I believe that's important.

I believe it's important that we get on with this bill. We approved it for second reading. We'll send it travelling wherever it may go to hear the public. I hope we will have an opportunity for the opposition, when it comes back, to make it even better than the way it has been introduced by the minister.

By the way, Mr. Speaker, I should say that, with your indulgence, I'm splitting my time with the member from Scarborough Centre.

The Acting Speaker: The Chair recognizes the member from Scarborough Centre.

Mr. Brad Duguid (Scarborough Centre): In 1966, just over 40 years ago, that was the last time that this legislation was reviewed. When I think back to 1966, I was four years old; I think the member for Scarborough Southwest, right in front of you, was five, and the Minister for Public Infrastructure Renewal, who's walking in here, was two. The member in front of me, from Kitchener Centre, was three, and the member for Oakville was about 13. He was probably running around with hair down his back, and who knows what else he was into back in those days? Knowing him now, he probably was a bit of a beatnik. The Beatles were dominating the music charts back then. Tiny Tim—everybody knew who Tiny Tim was. He was singing "Tiptoe Through the Tulips." Actually, I think the Maple Leafs were winning Stanley Cups back then, which is something completely different from today. Hopefully it won't be too much longer before we experience that again.

Our crime rates in Ontario were just a fraction of what they are today. It was a different place. It was a different time. As a child growing up in the suburbs in Scarborough—and Scarborough was seen back then as the boondocks of Toronto—I remember just being put out on the street. Parents would just open the door in the morning and out you'd go, at all ages. You'd have the run of the neighbourhood. They never had to worry about you. You'd come home for lunch, you'd come home for dinner and go back out into the neighbourhood again. You wouldn't have to worry about locking your car doors or your house doors. Boy, times have really changed.

Along with those times, the security industry has really changed as well. If you look to 1966, there were 4,600 licensed security guards in Ontario. Today, in 2005, there are over 30,000 security guards, not all of whom are licensed, but there are 30,000 people practising in the security profession right now. Their profession has changed as well. The demand and need for their services is completely different.

If you think of the image back in the old days of security guards, you think of an old man sitting on a stool, probably sleeping. That's not the case any more. Security guards have to be watching pretty carefully what's going on. Times have certainly changed. Crime rates have gone up. The things that security guards face these days are a heck of a lot more serious and dangerous than they were back in the old days.

So along with the change in the demands for security guards has been the need for them to be better trained.

They need to be more universally trained, so that everybody practising that profession is better able to protect the people who have hired them and their properties, better able to protect themselves, which is very important, better able to protect the public at large and better able, frankly, to protect those who they're hired to thwart, for lack of a better word. This bill will ensure that that level of protection is enhanced and uniform.

When you look at it as well, 20,000 people out there are practising as security guards without being properly licensed or trained. That's a good proportion of the people out there who don't have this level of training. They're exempt for a variety of reasons. They're exempt because they are in-house security. They're exempt because they're a security guard for some form of public institution—a city, municipal or some other form of public body. They're exempt for a variety of other reasons. That's not acceptable. These individuals deserve to have the same level of training as others, and the public deserves the same level of protection from these individuals.

1620

If you look at people like bouncers, they are involved in a lot of different challenging issues that they have to address from time to time, and they need to be properly trained and regulated.

I look back as well. I think of the important need for the portability of licences. This is going to help security guards, because once they get their licence, they'll be able to then go to other jobs if they need to. It's a job where quite often there's a lot of change. Security guards will go from company to company, and companies sometimes change too. A security guard may be on a particular site and may be there for a number of years, and then whoever has hired that security company may change companies. That security guard may want to stay where they are. They shouldn't have to go out and get a new licence. So it makes sense for them.

It makes sense for the provincial government as well. We're issuing 50,000 licences a year for only 30,000 people who are practising in the profession. That's a waste of time. That's a waste of money. That's going to be helped by this bill.

I also think it's important that criminal checks are in place for security guards. You think back to the 1960s and you think of the biggest security incident back in those days, where the Rolling Stones, I think, hired Hells Angels to be their security guards. You can rest assured that under this legislation something like that would never be able to happen, because criminal security checks would ensure that it never can happen again.

The need for standards for uniforms is important as well. People often will mistake security guards because of their vehicles or uniforms for police officers. That can be dangerous both for the security guard himself and for the public at large. They should be able to distinguish between who is a security guard and who is a police officer. That's very important in terms of public safety.

It's important that these fly-by-night companies are weeded out as well. The member for Scarborough Southwest mentioned the Kennedy Road Business Association and their 300 merchants, and they've done a great job there in ensuring we have a wonderful place to go for a great shopping experience. If you want to buy furniture or things like electronic equipment or any of that stuff, there's no better place to go than the Kennedy Road Business Association to do that. They've hired some very professional security firms that have made sure that area remains safe, not only for those using it but ensures that their businesses are protected from robbery and that our cars in their parking lots are protected.

Scarborough Town Centre has done the same, one of the safest malls to shop in in all of Canada. Part of the reason is that they have hired and have an in-house program of very qualified, very professional security guards who really know what they're doing. It's one of the safest places to shop now in all of North America.

So this is legislation well worth supporting. After 40 years, it's well past the time we moved forward on this. I appreciate the time and the opportunity to speak to it, and I fully support it.

The Acting Speaker: Questions and comments?

Mr. Dunlop: I'm pleased to respond to the previous two speakers from the government. They both brought up some interesting points on the reasons we need this legislation. I don't think there's anybody in this House who would argue that, in close to 40 years—I believe it was 1966, and there have been no amendments to this act. I think that's a concern everybody in this House agrees with.

I think it's safe to say we'll likely all, in some way, be supporting this bill, but the bottom line is that we have to come up with a bill that we think is as complete as possible. Not only will there be comments here in the debate you're hearing today, but you'll hear in committee, if and when we get to committee, a wide variety of comments.

I want to point out, when I'm talking about potential committee hearings, that I'm hoping this bill can be travelled. In fact, we talked yesterday about the possibility, if the House leaders can agree on this, of having this bill travel somewhat in the summer months. Because Ontario is so diverse and because the act may apply in different ways to different regions of the province, it might be important that we have a few of the other communities—maybe Thunder Bay, Ottawa, Kingston, those types of communities—know as well as the people here in Toronto. Originally I would have thought it was a Metro kind of bill, because I see so many security guard vehicles etc. around the GTA. But the more I understand it, it's clear that we need to travel this bill a little bit more. I look forward to the opportunity of seeing this at committee.

Mr. Prue: I listened to the speakers from York West and Scarborough Centre and I was reminded, mostly by the member for Scarborough Centre—we were colleagues, of course, at the megacity of Toronto. He was talking very briefly about municipalities and he talked

around that kind of stuff. I had to think back to what municipalities do around security and security guards and police officers. He was right to raise the points he did. I am finding it increasingly obvious that municipalities in general across Ontario are having a hard time affording the cost of off-duty police officers. More and more they're turning to security companies to provide the kind of security the city mandates for many of its functions, be they cultural events or rock concerts or freebies the city throws or even little things down on the beach—so the cost of that versus the security that they provide.

I am not sure what this bill is going to do. I liken it to the time when people really didn't know who the security companies were and didn't know who was providing security and who was who. I remember that fateful day when the then mayor of Toronto, Mel Lastman, went up and shook hands with the Hells Angels and said that they were really nice guys. I'm very worried and very troubled that if a mayor in a city like Toronto, as the mayor then was, would think that the Hells Angels were really nice guys, they would then go out and contract people to provide the enforcement, because Hells Angels are enforcers. They are people who do enforcement for various groups. I want to make it very, very clear that this bill will circumscribe and detail exactly who can be a security guard to make sure that Hells Angels don't make their way into it.

Mrs. Sandals: I'm pleased to respond to the comments from my colleagues from York West and Scarborough Centre.

One of the things this bill fixes is the interesting problem that when a security guard gets a licence, they only have a licence as long as they work for one particular company, which has the effect that every time somebody wants to go to a new employer, to change companies, they have to reapply for a licence. While there are approximately 30,000 security guards in Ontario today, we actually receive 50,000 applications each and every year for licences because everybody has to keep reapplying over and over again. This bill will do two things. First of all it will put in place strong standards for security guards to get licences, but it will give individuals a licence that will travel with them from licensed employer to licensed employer, which means that we can put our energy into making sure that the people who have licences are properly qualified, rather than putting our energy into processing the same person over and over again. So this has the effect of both increasing safety, because we'll now concentrate on "Are people qualified?" and decreasing the amount of paperwork for the guards, the government and employers. So I would suggest that for those who are good employers this is a win, and it's certainly a win for the government and for the individual guards.

1630

Mr. Ted Arnott (Waterloo-Wellington): I'm pleased to have an opportunity to respond very briefly to the members for York West and Scarborough Centre for the thoughtful remarks they made this afternoon pertaining to

Bill 159. I'm very pleased that the Minister of Community Safety and Correctional Services is here for this important debate. I know of his interest in this bill; obviously, the bill has his name on it, and he's very much behind it. I'm also well aware that the member for Simcoe North, as our party's critic, has a real interest in this bill, given the private member's legislation he brought forward in this House some time ago.

I'm going to have an opportunity in a little while to give the House some more detailed comments in terms of my own views on this legislation, but I think what I've heard so far during the course of this debate—part of that time sitting in the chair and part of that time sitting here as the member for Waterloo-Wellington—has been the need for further discussion on this issue. I would suggest to the minister, and I would hope that he's contemplating ensuring that this bill does in fact go to committee, so that there can be public hearings for the interested groups that have a view they want to bring forward. Apparently, there's so much in this legislation that is left open-ended and is subject to future regulations that I think it's absolutely vital that we ensure that the groups affected by this legislation will have the opportunity to make presentations at a standing committee of this Legislature.

I would leave the House with that thought, in an initial sense. I look forward to hearing further remarks from members on this issue, and I want to compliment and thank the members for York West and Scarborough Centre for their remarks this afternoon.

The Acting Speaker: In response, the member from Scarborough Centre.

Mr. Duguid: I as well want to acknowledge the presence here today during this debate of the Minister of Community Safety and Correctional Services and thank him for his leadership and the leadership of our Premier and our government when it comes to making public safety a priority. I think this is really one of a long list of things that this government is doing to make our communities safer.

I think of the grow-ops legislation which we've been debating the last number of weeks here, important legislation to ensure that our communities and our police officers have all the tools at their disposal to try to make our communities safer with regard to the proliferation of grow-ops in some of our communities. I look at our fire training grants that have come forward to municipalities to ensure that our fire services are receiving the training they deserve and need—the first time in many years. I look at our safe schools initiatives that have come forward, making our schools safer across the province. I look at our investment in the community use of schools, which ensures that our young people have recreational programs and space in which to utilize their time, which I think impacts and assists in our efforts to prevent crime and make our communities safer. I look at the car seat issue that the Minister of Transportation brought forward some time ago, and the regulations for school buses. These are all things that will ensure that our community is safer for us all.

In this bill, ensuring that our security guards are well-trained, licensed, qualified, properly equipped and uniformed will also create a level of increased public safety for all in our communities, for those who hire the security guards in the first place for their services, for the security guards themselves, which is very important, and for the public at large. Even those who may be perpetrating the crimes the security guards were hired to prevent in the first place are better protected.

The Acting Speaker: Further debate?

Mrs. Elizabeth Witmer (Kitchener-Waterloo): I'm pleased to speak to Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999. I just want to begin by saying that this is the second time in two weeks that I have had the privilege of speaking to a bill that has been brought forward by the same minister, Minister Kwinter, and both times Minister Kwinter has been present in the House. I just want to compliment him for the interest he has taken in personally listening to some of the presentations that are being made. To me, this is very important. Thank you very much.

At the end of the day, our critic, Garfield Dunlop, has worked very hard in this regard, and I think it's a bill we probably will support, but obviously the point has been made that it is important that the bill go out for further consultation. There is a tremendous amount of work that has been done already, but obviously this piece of legislation needs to be the best it possibly can be, so I certainly support it going to further committee hearings.

The reforms that are present in this bill are absolutely necessary if we're going to enhance community safety, and it's going to be extremely important that we take action around some of the recommendations that were received from the Shand inquest around the use of force and mandatory training. Although they are in here, they're left up to regulations for implementation at a later date. I think it's important that some of what the government has left to be included in regulation should become part of the body of the act, so everyone would recognize up front what is going to be there. I think the public needs to have an opportunity for input, and some of these regulations cannot be left up to just getting cabinet approval.

Other key issues, such as recertification, licence renewal and training, have not been dealt with in this legislation either, and again, I think we need to take a look at including them within this bill. So hopefully when the bill goes out for consultation, based on the input of people who have a personal and real interest in this legislation, we'll see some recommendations come forward, and I hope the minister and the government will listen and try to be responsive.

So why this bill today? I guess everybody is aware of the fact that the forerunner of this bill was Bill 88, which was brought forward by my colleague the member for Simcoe North, Garfield Dunlop. As we know, Patrick Shand died of injuries that he received during an altercation with store employees and security guards outside a

Scarborough grocery store on September 14, 1999. As a result, there was a coroner's inquest held into his death, and on April 23, 2004, the coroner's inquest came up with 22 recommendations dealing with a very broad range of issues on the issue of community safety that is in front of us at the present time.

Basically, my colleague Mr. Dunlop introduced Bill 88 in response to the coroner's inquest; he introduced a bill called the Private Investigators and Security Guards Amendment Act, 2004. I'm very pleased to say that as a result of his very hard work, the bill passed second reading in the Ontario Legislature in a vote of 48 to 0, and I know that the current minister, Minister Kwinter, certainly did support the bill as well. Subsequently, we have the bill in front of us today.

Some of the issues that Bill 88 would have addressed include the following, and they're significant because they do make changes to the private security industry. For example, it would have made mandatory multi-level training and standards for the use of force, firearms and making arrests. How important that is for community safety. It would also have made some changes regarding different classes and the portability of licences; also, a one-year term on all licences. It would have had restrictions on the equipment that licensees are authorized to use or prohibited from using. There would have been prohibitions for licensees on uniforms and markings and colours of security vehicles that resemble those of police officers.

1640

This is a pretty big problem. Regrettably, on many occasions, I think we do see people who resemble police officers in a huge way, certainly their vehicle markings and everything else. Obviously, if we're going to address the issue of community safety, we need to make sure that there is a clear distinction between police officers and those people who act as private investigators and security guards. In this respect, Bill 88 also imposed a prohibition on the use of badges or other insignia that resemble those of police officers. Again, this is all for the protection of the public. People need to be able to quickly distinguish the difference between police officers and those people who are doing the work of a private investigator or a security guard.

Bill 88 would also have brought forward a code of conduct with which licensees are required to comply when acting as a private investigator or security guard, and also created a private investigators and security guards complaints commission to investigate public complaints. That's important, because the public has a right, if they have a complaint, to be able to approach a commission and have that complaint dealt with in a legitimate manner. It also would have increased fines for corporations that are convicted of an offence under the act.

These are some of the recommendations that were in Mr. Dunlop's bill. As I say, this was all a result of Patrick Shand dying of injuries, an inquest being held and recommendations coming forward. The purpose of this bill, then, is important. I understand that it hasn't been

updated since 1966. The act we have before us now would require all security practitioners to be licensed. It would update the act to establish standardized training and examinations for applicants and current licence holders. I understand it would encompass not just security guards but those people who are security guards whom we refer to as bouncers and those in the business of selling the services of private investigators. It would ensure that licensing requirements are imposed and procedures are put in place for revoking and suspending licences, subject to the appeal provisions. So again, there is the opportunity for due process if someone did not agree with the assessment that is being made to revoke or suspend a licence.

Offences and regulatory requirements are provided for, as is a process for dealing with complaints from the public. It says here as well—and this is where we probably differ—“The minister may make regulations setting out a code of conduct for private investigators and security guards.”

It's some of those regulations that we believe should be part of the bill as opposed to subject only to the whim or the will of cabinet, so that the public will know exactly what's going to be contained in the bill and have the opportunity to provide input.

What's this going to mean at the end of the day for the security industry? It's going to require that every single security practitioner in this province is licensed. It would establish a licence classification, and that's important. The act would allow an individual to change jobs within the industry without having to reapply for a licence every year. The act also establishes some standardized training and examinations for applicants and current licence holders.

A made-in-Ontario basic training standard would be developed. It would include that the individual would be knowledgeable of relevant legislation. This job of private investigator or security guard is a very important position. There's a tremendous amount of responsibility, and it's important that the individual assuming the responsibility have some knowledge of the current and relevant legislation.

It would also include the power of arrest and the use of force. Regrettably, there are many situations where force must be used.

This made-in-Ontario basic training standard would also include an opportunity for the development of communications and public relations skills, because the jobs of many of these people are as much about communications and PR as they are about the power of arrest or the use of force.

It would also include, and this is very important, a basic training standard in first aid and cardiopulmonary resuscitation.

It would also include a basic training standard in on-the-job skills, such as the ability to write a report and to take notes, and diversity sensitivity. I think if we take a look at the multicultural nature of our province today, it is important that these people, who would be in positions

of responsibility, would have some training in diversity sensitivity.

Obviously, these people would also receive some basic training in the use of such equipment as batons, handcuffs or whatever.

Again, at the end of this, you're going to have an individual who is certainly much better qualified, who has a much better appreciation of his or her role—

The Acting Speaker (Mr. Mario Sergio): Will the member take her seat for a moment, please.

I would like to call on the members on both sides to keep the noise down, especially the member from Niagara Centre, who is not even in his own chair. Thank you very much.

The member may continue.

Mrs. Witmer: Mr. Speaker, thank you for the intervention.

Again, as I said, it is a very significant step in the right direction.

I do want to compliment my colleague Garfield Dunlop for bringing this bill forward in the first place as a result of the recommendations coming out of the coroner's inquest. I want to compliment the minister now for bringing it forward here. Once it has had further public consultation and we have further input from those people who are going to be the most intimately impacted, I hope we will have a piece of legislation that will update this act—which has not been updated, I understand, since 1966—and that will reflect current needs.

One of the areas I spoke about was the need for diversity training, to be sensitive to the fact that Ontario looks very different today than it looked in 1966.

This is an opportunity for us to really take into consideration what some of the concerns have been on behalf of the public, and there have been concerns expressed. I think it's going to offer much better protection for the public, but I think it's also going to provide better protection for those people who do this job: the private investigators and the security guards.

1650

Our party, over the years we were in office, from 1995 to 2003, introduced many initiatives that were designed to protect the safety of the community, of the public. This bill simply builds on some of that. If I take a look here, since 1997 we actually invested over \$150 million on different initiatives that were designed to create a safer, more secure Ontario for all of us. Some of the things we did that I continue to be very proud of:

One was putting on the streets 1,000 more police officers.

We also introduced squads that were going to combat, and are combating, organized crime. I heard from my colleague Mr. Kormos about organized crime. The unfortunate reality is that it's alive and well in Ontario. We designed special squads that were going to go out and combat organized crime.

We also put out there 165 more probation and parole officers.

We also established special domestic violence courts. I'm very pleased at some of these initiatives we were able to bring forward. In fact, I want to take a look at the Domestic Violence Protection Act that our government passed in 2000. One of the things we did was we defined domestic violence and we included a broader range of the relationships that were covered. We provided for better enforcement in order to ensure that there were clear provisions and that emergency intervention orders could prevail over other family law orders.

We introduced a wider range of court-ordered provisions that were specific and directive and, therefore, it was easier for our police to interpret and enforce. Also, there was prosecution of a breach under the Criminal Code rather than the Provincial Offences Act, and that provided for stronger provisions for detention and release of the alleged abuser and increased the ability to detain an alleged abuser where there was concern for a victim's safety. On an ongoing basis, we hear from people who are very concerned about the impact of releasing an abuser on the safety of the victim.

So our government took a lot of steps to support victims. We set up, as you know, the Victims' Bill of Rights in 1996. We announced the victims' justice action plan in 2000. We created the Office for Victims of Crime, and we were the very first jurisdiction in Canada to establish this type of agency.

We have in front of us today a bill that I'm pleased to see builds on some of the initiatives we introduced. I look forward to seeing the public consultations we're going to have with people in Ontario, and I look forward to seeing, at the conclusion of the hearings, the amendments the minister is going to bring forward. I have no doubt that, given his interest in the bill, he will be prepared to strengthen the bill and make it better for all Ontarians.

The Acting Speaker: Comments?

Mr. Prue: It is indeed an honour and a privilege to talk about the previous debater and to say that I am in full agreement with what she had to say, especially the way she concluded her remarks. She talked about the need for continuing public consultation. We most definitely support that this might go to committee. We most definitely support that there are some amendments that are being suggested.

I want to say that I had not thought of some of the suggestions that are being made, and I think many members would not have ordinarily thought of, on first reading of the bill. She has suggested some, and might I say that there does not appear to have been, to this stage anyway, adequate consultation with groups such as the unions that represent some of 26,000 people in Ontario who are members of the United Steelworkers of America, who represent people who work as security agents in Ontario. They have not, to the best of our knowledge, been consulted at all to this stage. We think they need to be consulted about what the needs and requirements of their members are.

We also think the workers themselves need to be consulted—I'm just looking here and I still have two

minutes, so I'm really impressed—and they have not been consulted to this point, because the ordinary workers, and there are some 84,000 of them in Ontario, have not been adequately consulted about their own terms and working conditions. If anyone needs to know who the best person is to talk to about a job, the best person who knows about the job they do is the person who actually does it.

I remember when I was the mayor and we were having big discussions about collecting the garbage and how to collect the garbage better. The person we consulted around the council was the engineer who was responsible for the works department, but in fact he wasn't the best person to consult, although he was knowledgeable. The best persons to consult were the guys who went out there every day and lifted those bales of garbage, who threw them in the back, who knew about the routes on the street, who knew about the flies and the potholes, who knew about all the problems it took to get that garbage to the landfill site.

They were the ones who actually knew the best. I would think the people who know best are not the people who run the schools, although they are the initial trainers, but the people who know best are the ones who every day have to go out at midnight, sit in a lonely factory by themselves, or have to go to a sporting event or to a place where people are consuming alcohol or the thousand places where they work. They know the pitfalls of that work. We think they are in the best opportunity to tell this minister and this Parliament the best amendments to be made to strengthen the bill.

We look forward to public consultation, and I am assured that if public consultation is adequate, this bill will do exactly what it intends to do. If it does, I would guarantee that we would support it.

Hon. Monte Kwinter (Minister of Community Safety and Correctional Services): I hope, in the interest of fairness and equity, you're going to give me four minutes as well to respond.

I want to comment on the remarks by the member from Kitchener–Waterloo. As she always does, she brought a reasoned and thoughtful approach to the issue, and I appreciate her comments. I just want to address a couple of the issues that were made.

As far as the consultation is concerned, there's absolutely no question that this is going to go to a committee. There's no question about that. You should also know that we sent out information on this bill to 600 potential stakeholders and asked for their comments. Just over 10% responded, which is over 60, and you should know, because I've said this a couple of times, that the union actually responded in writing. They commented on the proposal, so we've heard from them.

The other thing I want to comment on is that we have looked at the report of the Shand inquest and we've addressed most of it—not all of it, but most of it.

The reason we have a lot of things set aside in regulation is we are setting up an advisory committee made up of stakeholders that will advise on how this

should be done. When you consider that the last time this bill was ever addressed was in 1966, there are many issues that come forward when we talk about colour of uniforms and what is going to happen that can't really be covered in the bill. It isn't practical. What we're going to do is make that in the form of regulations, and we're going to have an advisory committee that's going to recommend, after consultation, what that should be.

So I just wanted to say to the member from Kitchener-Waterloo and all others that this is an important bill. It's something that everybody, I assume from what I've heard, agrees in principle about what it has to do. We hope to come forward with a bill that, after consultation, after it's gone out and the public has had some input, will be the best bill it can be. I give you that assurance, that that is our goal.

Mr. Cameron Jackson (Burlington): I too want to commend my colleague from Kitchener-Waterloo on her thoughtful and insightful comments and contribution to Bill 159. I support what she has said, and I appreciated as well my colleague Mr. Prue's reference to consultation and the minister's reference to the kinds of input he received prior to drafting the bill. Perhaps it would be helpful if the minister could release some of the letters of those who are interested in the bill and who wrote to the ministry and share those with the opposition parties. That would be helpful, because it's always insightful not only to find what's in a bill but what was suggested that didn't find its way into the bill.

1700

Since it was referenced earlier by some Liberal members about the issues around grow-ops and other legislation, I wanted to share with the minister briefly in this window that I have that all through the grow-op discussion much was said about the security issues, but recently this has all come to the forefront. I've got a situation right now with a young family that has rented a home that had previously been a grow-op, and there is no limit to the problems this family is engaged in. They've hospitalized their infant child, the landlord in effect misled them by not telling them that it was a grow-op until the family was captive in the rental accommodation, and now there are some litigation issues and they won't give them their money unless they sign a release that there will be no comeback. I'm having difficulty getting the district health commission involved in this issue. The spores are now spreading throughout the entire house and to the condominiums next to it. In this one subdivision there were four grow-ops in operation. There are things that, even after we passed that most recent legislation, we're discovering are still problems. So I encourage you to have a fulsome consultation before this is completed because there is still more to do on grow-ops dealing with public health.

Mr. Kormos: I'm glad that the minister is here. I think he stepped out for a minute when I last spoke to this bill, telling this chamber the regard I have for the minister, the affection that I have for him, and that this is the first bill he's presented, in my view, that has sub-

stance around which we can have debate that rises above mere—look, you know from time to time when we were discussing the grow-op bill how, for instance, the last time I spoke, I had occasion to mention that Bayer, the Germany-based pharmaceutical company, is now actively distributing marijuana. They just got Health Canada regulatory approval for a marijuana-based analgesic; not synthetic but derived from the marijuana plant, tetrahydrocannabinol. It's being distributed in Canada—"Only in Canada, you say?" like the old tea commercial—and so you're going to have people ingest it with a puffer. I suppose that resolves the problems about smoking.

So here it is: We've got the minister trying to shut down marijuana grow-ops and Bayer, one of the great, huge, wealthy multinationals, obviously growing their stuff somewhere. Think about it. They aren't growing it in Barrie any more—Barrie, the home of Canada's biggest grow-op. The member for Barrie-Simcoe-Bradford wasn't able to confirm that that's part of the "Welcome to Barrie" sign any more, but the factory is there, a monument to free enterprise.

Minister, we support the bill. I told you that. I hear you say that it's got to go to committee; I want to hear your House leader say that. Perhaps one of the minions employed by your House leader sitting behind the Speaker could nod twice if in fact this is going to go out to committee and travel to small town and big city alike so we can adequately analyze it.

The Acting Speaker (Mr. Joseph N. Tascona): Thank you, member from Niagara Centre. In response, the Chair recognizes the member from Kitchener-Waterloo.

Mrs. Witmer: I want to thank those who participated: the member for Niagara Centre, the member for Burlington, the member for Beaches-East York and of course the minister himself, who I have said is here this afternoon.

I was pleased to hear the comments of the speakers. There seems to be unanimous agreement that there is a need for further consultation. I was quite reassured to hear the minister say that he was open to consultation. More importantly, not only was he prepared to listen, but he was also prepared to be responsive as far as making whatever recommendations might be appropriate to strengthen this bill on behalf of the people in Ontario.

Those are my comments. I hope the bill will go through and become the best it possibly can be.

The Acting Speaker: Further debate?

Mr. Prue: It is indeed a privilege and an honour to speak to this bill. From listening to the debate here this afternoon leading up to my speech, there are a whole bunch of issues I had not heretofore thought of, so this is an excellent forum for people to throw out ideas, throw out questions, and get one's intellectual capacity going. When I first read the bill I thought, "Here is a bill that is long overdue. Here is a bill that's going to do what the Shand inquest called for, and let's just get on with it." I am still of the view that we should just get on with it.

I was very heartened to hear the minister, in his last two-minute comment, say that this bill is going to committee, but I have to listen to what the House leader of our party had to say: There was no commitment when the House leaders met that this bill would go out to committee. Had that commitment been made, I think we probably wouldn't have needed the discussion, although I welcome it very much and it's taught me a great deal, that we are having here this afternoon, because the concerns that were raised around the bill certainly are not ones of such monumental importance as to actually kill the bill. They are of such an importance that they can tweak it, that they can change it, that they can make it better, and we can discuss with ordinary people and people who will be affected by it—municipalities, companies, workers and unions—and that's what I'm hoping is going to happen. If I can throw any light upon that, I intend to do so.

Mr. Kormos: Will the school hall monitor have to be a licensed security guard?

Mr. Prue: I'm being asked, "Will the school hall monitor have to be a licensed security guard?" I would hope that is not in the bill. If it is, I hope the minister will stand up in his two-minute comment and say if that is his intent. If that is his intent, I will quickly change my vote from one of agreeing to it to one of not agreeing to it.

The problem we see, number one, is that this bill will come into effect in 2007, some two years from now. The Shand inquest called for "urgent"; they said this was an urgent matter that required immediate government action. The year 2007 is 24 to 30 months from now, a long time, and I'm not sure in my mind that we can wait for that period of time for when this bill will come into effect. That is also around the time we will be going into the next election cycle, because for the first time in the history of this province, we know the next election date. We know it's going to be on or about October 4, 2007, which is about the time that it is proposed this bill come into effect. I don't think that is a wise thing to do, because I have seen—perhaps it's because I'm getting old—governments of various stripes get elected and undo the work of previous governments. I would like to make sure that this bill, if it's going to come into effect, does not come in close proximity to that election date, so that it is not the subject of the whims and caprice of any party that might win, or the undoing of legislation that this Parliament would agree is good.

There is a provision here to review the training systems. It is absolutely obvious to me, as I go about this city and this province, and see people who are acting in the capacity of security officers, that woefully, most of them if not all of them, at least at the beginning, are undertrained for the job they must do. They act in many cases as if they are police officers, but they do not have the training, the wherewithal, the education or anything else to do the job they must do. If they are challenged—I have to tell you, from time to time, when they make what I think are preposterous demands on my liberties and what I think are unreasonable demands upon me, like

"Move along," I always ask them, "Under what authority?" Perhaps it's only because I know that they have to be able to cite that authority that I ask it. I cannot remember a single time when these people who are exercising some kind of responsibility have been singularly able to answer it.

1710

I remember once, and it is going back some time now, prior to the time that I was an elected politician, when I was challenged during a legal picket demonstration, the picketing of a place when union members were on strike. We were on the sidewalk, and a security guard who was hired by the building in which the picketers were picketing came out and said, "You can't picket here." I remember looking incredulously at this person and saying, "Under what authority can we not picket on the sidewalk in front of this building?" His answer was, "I'm in charge here and I've told you that you can't picket in front of this building, on this sidewalk." I have to tell you that this is the kind of attitude you often get from people who are improperly trained. I don't know whether he was trying to exercise authority he didn't have or whether he seriously believed that a normal and legal picket in front of a building was somehow made illegal because he said so. There have been other experiences that I, and I'm sure some of you, have had in the past with people who try to exercise authority who have no real knowledge of what gives them the authority or whether the demands they are making are legal or proper.

One of the things that has to be done, if we are going to regulate security personnel, security guards in Ontario, is to ensure that they have a modicum of training, that they know under what laws and what authority they may do what they are required to do; that if they are store personnel and are required to make a citizen's arrest or to call the police if someone is shoplifting, under what authority they can do so; if they are working at an airport, and I know that is federally regulated, under what authority they may search someone; if they are working in a factory and guarding the gate, under what authority they may deny someone entrance, or check someone on the way out to see whether that person has chosen to maybe lift something they should not have. These are the authorities that a security guard must have and would today. I would challenge almost any of them. If you question them, "Under what authority are you making this request?" they cannot and will not answer it, and I think they have to, because this legislation requires that they identify themselves, that they hand their badge out, that they say who they are, and that has to be done.

I heard the minister a few minutes ago say that the unions had been consulting. If that is the case, then I am very thankful, because my information up to this point was that the United Steelworkers of America had not been consulted. They had been consulted in the initial phase, "The minister is planning a bill. Is there anything you want to say to us?" and they wrote a letter. But they have not been consulted since this bill was introduced to the House. They have not been consulted as to the actual

provisions. It's one thing to say to them, "You know, we're planning a bill. Have you got any thoughts?" and it's another one to say, "Here's the bill. Is there anything right or wrong with this bill—any comments you have once you've seen the actual wording?" I want to tell you, that's as different as night and day. They need to be consulted, as do the workers.

The bill itself says that a person, to be a security guard, must be 18 years of age, must have a clean record and must have prescribed training. We would agree with all of those provisions. I think to make someone under 18 years of age potentially would be kind of dangerous, although I do know very mature adults below that age who work in a whole range of occupations that require a great deal of maturity, everything from lifeguards in a pool to people who work in summer camps, looking after children. They have to have a great deal of maturity to do it right. That's one of the questions I would ask: Is 18 an arbitrary age? Is it an age of majority? Is it an age that is required by law? Is it just rational that one would think that when someone has age on his or her side, that would allow them to do this kind of work?

There's the whole question about the security systems. Those who run the various companies must be licensed, but then you've also got the lacuna: or must be in the employ "of a licensee." So a person who has a licence must not have a criminal record, must be able to operate, in a way, but that person can go out and employ people who would not of their own right be allowed to run such an institution or company or school of training. You could quite conceivably have someone who was licensed, someone who meets all the requirements, hiring those who do not to run the company. I would ask the minister to look very carefully at whether this in fact is what we want to do, because we are training people who will work, for all intents and purposes, in law enforcement, even though it may not be under the Criminal Code of Canada but certainly under the laws of the province of Ontario and the civil laws that flow from those.

There are some provisions about uniforms. This is a very thorny issue. On this I agree with the minister. I don't know how you can put this into regulation. I have seen uniforms not only on security guards but on police officers that are often puzzling; often I cannot tell them apart. I saw some police officers the other day wearing baseball caps, and they looked for all the world to me like security guards until I got up close. Then I discovered they were police officers of this city, but from far away I thought they were security guards. I'm not sure whether it was their intent to look like security guards or whether, on the converse, it's the intent of the security guards to look like police—it's probably the latter—but it was surprising to me to see police officers look more like security guards than the security guards themselves.

There's the whole range of what constitutes a security guard. As I said in my comments, there are some 84,000 of them in Ontario. I note that around this building we have a very special police force; we have special con-

stables. They are not police officers as one would think of in the city of Toronto or in the towns and cities. They don't carry firearms. I'm sure they are somehow police officers or very close to police officers. They are some stage—to my mind, anyway, as a layperson—between a police officer of the city of Toronto and security personnel that this bill might cover. I don't know whether they're covered or not. I think they're not, because I think they are a police constabulary in their own right. But it would seem to me that if we are establishing a bill like this and if we have such people who, to my mind, run this building and these precincts and these grounds with some considerable brilliance—really, they do—I would hope there are provisions in the act and opportunities where such other special constables might find their way into law.

Simply having a security guard looking out at nighttime in a factory is one thing, but having trained personnel, the way we do around this building, able to handle municipal or provincial interests—such things as parades, municipal programs or rock concerts; I'm thinking of all the things that have happened in and around this city and other cities. Where the city requires that security personnel be hired, it seems to me that this is the type of security personnel that people really want and respect and know: not simply someone who has completed a six-week course and is hired by a company that may not even exist a year later, but an actual special constabulary like we have around this building, who could and should be doing the work that people expect of them.

We have the whole problem—not the problem; we have the reality; that's the word I'm looking for—the reality of the number of security guards. This has been a huge growth industry. Ten or 15 years ago there may have been several thousand security guards in Ontario; to the best of my research, there are some 84,000 security personnel in Ontario today. I contrast that to the number of police, including the special constabulary, if my numbers are correct, at 62,800. That is, there are 21,200 more security guards than there are police. This is a growth industry, and it is no wonder that it is a growth industry, because security guards, on average, earn \$28,000 and our police constables in Ontario earn, on average, at the lower end, \$60,000-plus, or more than twice as much as a security guard would make.

1720

This bill in and of itself, as I have said, is a good bill. It is supported by a number of people, including John Carter, who identifies himself as the vice-president and acting president of the Association of Professional Security Agencies. He's sort of gung-ho. I always have to step back, and I ask the minister to step back as well, and ask the question: If he is supportive of this, why? When I look at these agencies or these associations, they always appear to be the same. They are attempting to get authority through self-regulation. Sometimes self-regulation works; sometimes self-regulation does not work.

As I have said in this House before—I talked about it this morning during private members' business—I

worked for more than 20 years in the immigration department prior to becoming a politician. I saw in that period the explosion of people who called themselves immigration consultants going out, hanging up a shingle, pretending that they knew something about immigration law or policy and trying to make some money. I have to tell you that a great many immigrants, would-be immigrants or would-be refugees to this country gave a lot of money to those people. Quite frankly, the money was very often—more often than not—wasted.

That group has organized itself; that group hangs out their shingle; that group has their own legislation or authority to discipline themselves, and yet, I am not sure that it actually serves the public interest. I am not sure how this bill is going to, in the end, serve the public interest. It is quite clear that it is going to serve the interest of those companies that hire and partially train people and put them out to work, oftentimes under difficult circumstances and less-than-adequate wages. I'm sure it's going to adequately resolve their problem, but I am not sure in the longer term how it is going to resolve the public interest if what is going to happen is that this becomes a self-regulatory group.

We have to look at what the problems are of security guards, of those 84,000 individuals in Ontario. The number one problem that I think most of them have today is job security. When a company loses its contract to look after a factory or a housing subdivision or whatever it is, usually the job goes with it. So the security guard then must go to the new company, try to find a job with them and continue on, usually at the same or less pay than they were making before, and certainly with no job security and no seniority.

There is always the problem, too, of wages. Security guards earn, on average, \$28,000 a year, which is slightly less than \$14 per hour. This is not a lot of money, for a great deal of responsibility. You will see that security guards tend to be young, they tend to be less than university educated and they tend, in many cases, to be new immigrants. We think that the reason the longevity of the job is not as great as one might think is that it has a whole number of problems, wages and job security being the chief two, but also the hours of work. Security people must work inordinate hours. They work very strange hours. They work midnight shifts, they work in the evenings, they work after dark, they work in less-than-ideal circumstances. The burnout rate, too, is very high.

We think this is a good bill. We welcome that it is going out to committee. We welcome that people are going to be heard. We think the security guard personnel need strengthening in their jobs.

We like what is happening in Quebec, where the sectoral arrangements make sure that all security guards, whether they are in a union or not, are guaranteed the rights of all employees, be they hours of work, be they wages, so that even if the workers choose not to have a union, they can be assured they will receive the same wages as those who do have a union. We would ask the

minister to look at the Quebec experience. We think it is a good one.

The Acting Speaker: Questions and comments?

Mr. Tim Peterson (Mississauga South): It's a pleasure to stand and talk about this bill, as we try to put more uniformity and regulation into an otherwise unsupervised area. As a father of teenage children, it's very important to me when you see these problems at some of the all-night clubs that form themselves around music yet are also known for being habitats of drug use and are unregulated, and some of the violence that has occurred at those. One wonders whether we could have saved lives and whether we could have better served our youth and ourselves by protecting them with guards who are trained and have proper certificates in this area.

While any government is concerned about overregulation, when you see this type of violence and undisciplined behaviour and the spreading of that, it becomes a more rampant area. I can tell you as a concerned parent that when I was growing up we thought alcohol was the big problem, but recently my children, who attend one of the best high schools in Mississauga, were telling me that probably 50% of their friends are exposed to drug use. All the problems associated with drug use are much more amplified, I think, than what we know in terms of alcohol use and misuse. Hence I'm very pleased to speak to this, and suggest that better regulation will better serve our community, and better protect the children we all dearly love so much.

Mr. Dunlop: I appreciated the comments from the member for Beaches–East York. He usually delivers some excellent comments when he speaks on any bill in this House. Certainly, as a person in the city of Toronto, he would see a different view on the private security guard issue than someone might see in central Ontario or in your area, Mr. Speaker, or even in the far north.

I think that's why Mr. Peterson just said we need to look at the regulations, why we need to look at all the different aspects of this bill. I was happy today to get from the minister the commitment that there will be committee hearings. He made that very clear, and we look forward to that. What I've heard in just two days of debate—I don't know how many additional days we will have on second reading, but there's no question that what we have heard is that there is an overwhelming need for committee hearings on this bill. We all agree with the concept of the bill. This bill hasn't been changed since 1966. So it's a good time to get it right and get it really right.

I'll do everything I can from the position of our caucus to support improving the bill, to the point where it'll be good for the next—hopefully, we won't need to amend it every 40 years; maybe every few years we can work on it. It will be something we can be proud of as a bill in this House. We can have all three parties supporting it, and we can get good committee hearings province-wide, possibly to make it a better bill. So I appreciate the comments from the member from Beaches–East York and

look forward to any further debate in this House on the bill.

Mr. Kormos: I was pleased to be able to hear the contribution by my colleague Michael Prue, the member from Beaches—East York, to this debate around Bill 159. Just this morning, during private members' public business, his private member's bill which will guarantee enhanced safety for people living in places with fire escapes: It's such a simple proposition that fire escapes not be made of flammable materials, but it took Mr. Prue to bring that bill to the Legislature, as well as making sure that fire and smoke detectors are interconnected, that they're not only hard-wired but connected to each other.

1730

Mr. Prue has a great deal to contribute to the debate in these committee hearings, and I'm so pleased that the minister has committed the government to committee hearings. He hasn't committed the government to qualified committee hearings but to meaningful committee hearings.

Surely some of the interested parties are going to be the community colleges and other educational institutions. Niagara College, down in Niagara, has an exemplary law and security program which a whole lot of people use in anticipation of careers in customs and immigration and policing, and no doubt—I would want to confirm this—a diploma from that program would constitute sufficient qualification.

But surely there are going to be other educational institutions interested in providing more abbreviated programs. With the prospect of somebody pursuing a two-year college diploma to be a security guard, and again, knowing full well that what we're doing here is professionalizing that role, there may be a need for shorter or more abbreviated programs than the community college program.

I want to hear from educators, and it could well be private sector educators, who want to enter that field because they're already there. This is the reason we need committee hearings, to hear from these people and flesh this out. Thanks to Mr. Prue, of course, for his outstanding contribution to this debate.

Hon. Mr. Kwinter: I'd like to comment on the remarks made by the member from Beaches—East York and just address some of his concerns.

Number one, the reason the established professional security guard companies are supporting this is that they want to professionalize the industry. They want to make sure they are not tarred with the same brush as the fly-by-nighters; plus, it really lessens their liability. If they've got trained professional people who are working in the industry, then of course the risk is not as great as having people out there who are not doing that.

I'd like to talk about uniforms. At one time, and even when you watch television, they refer to policeman as the "men in blue." In fact, if you take a look at the Toronto Police Service and many of the police services, they really wear black uniforms. But I've been at police functions—sadly, when I was in Edmonton for the

memorial service for the four RCMP officers, I saw a contingent marching in, and they were in the Ontario contingent. I said, "Who are those guys?" They were wearing powder blue jackets and beige pants, and that was the police service. I'm sorry to say I don't remember exactly where they came from, and I'm not being critical. I'm just saying that they were not wearing the kind of uniform that we would normally say, "That's a policeman." We have to make sure, when we bring in a regulation that differentiates between the police, that we take into consideration all these different things.

The other thing is, if you would like it to come in sooner—and the member from Welland-Thorold has just said it's going to take a couple of years, a year and a half, to train these people—we can't do that until we get them trained, until they get their certification. We also can't do it until the industry has had a chance to adapt.

Having said that, I would like to ask for unanimous consent—I think everybody has talked about this—that we collapse the debate and send it out to committee.

The Acting Speaker: In response, the Chair recognizes the member from Beaches—East York.

Mr. Prue: I was going to say that I'll let his motion go later.

I thank the members from Mississauga South, Simcoe North, Niagara Centre, and the Minister of Community Safety and Correctional Services. You've all made some very wise comments to what I had to say. I want to thank the Minister of Community Safety and Correctional Services both for—

Interjection.

Mr. Prue: No; for being here, because very often ministers do not attend the debates. He has listened quite wisely and carefully to what was being said here on the opposition side because we too have some good ideas.

I welcome very much the fact that he wants to send this out to committee. I don't know how the House is going to vote in a minute to his seeking unanimous consent, but certainly I have to tell you that this is an industry that must be regulated. The regulations must come into force as soon as possible, they must be good regulations and they must not only protect the people who work in this industry but also those they serve; that is, the people of Ontario. If that can all be accommodated after committee hearings, then I would think we have done a great service to the people of Ontario.

As for his comment about police officers wearing powder blue uniforms, I was not there to see that sight, but I think there is, very often—and I have said that in my own remarks and I thank you for yours—in the public mind, a difficulty discerning who is a police officer, to carry out the laws of the province of Ontario, of Canada and of the municipalities, and who is a private employee of a company that does not have the same rights and obligations. I hope this bill was able to qualify that. The minister can do whatever he can, in his own right, to make sure the police officers look like police officers to the public mind.

The Acting Speaker: I'll now deal with the minister's motion.

The minister has moved and seeks unanimous consent to collapse the debate and put the question. Is there unanimous consent?

Seeing that there is none, further debate?

Mr. Shafiq Qaadri (Etobicoke North): I too rise in support of Bill 159, the Private Security and Investigative Services Act. I join with the MPP for Kitchener-Waterloo from the Tory party in recognizing not only the presence of the minister in the House for this debate but also his presence of mind and professionalism in bringing forth this type of legislation.

This bill's important for a number of reasons. Firstly, it is long overdue. As you'll recall, the private security industry legislation was last updated, if it can be believed, in 1966. I'll remind you and this House that that was one year before Montreal's Expo 67. It's almost unbelievable that legislation that is so important to the fabric of daily life in Ontario should have been untouched, untinkered with, unimproved, unmodernized for so long. So it's long, long overdue that this type of legislation be brought forward.

At that time, in 1966, there were approximately 4,500 licensed security personnel in the province. The numbers seem to vary, but there are something like 30,000, 40,000 or 50,000 individuals who are now engaged in providing security services. This, of course, is another testament to the way that life in Ontario has changed and perhaps, really, the deep need for these kinds of security services.

Ultimately, what this bill establishes is a professionalism, a regulation, a standardization, a testing, a certification of this particular industry. I can tell you, as a physician hailing from a rather regulated profession, that I very much support this initiative. Ultimately, if we're allowing individuals to secure our persons and property and crowds and any situation that might get out of hand, be it even an emergency of some nature or a physical disaster—whatever—we certainly want individuals who have had a requisite amount of training and a certain professionalism, and they should be exposed to best practices and to acceptable levels of security and manoeuvres.

I have to stress that these security professionals have now taken a much more prominent place in our lives. You really can't attend any kind of function in a public place, whether it's a symphony or bar or rock concert or whatever, without encountering these individuals. That's, of course, a very good thing. There are apartment buildings in my own riding, particularly in the Dixon Road area, that have had some difficulty with the level of security services that they offered, and I think that this particular bill, Bill 159, will go, at least in some measure, toward professionalizing, strengthening and standardizing the levels of services that they offer.

1740

Another reason this legislation is important is that it will be good for Ontario on a number of fronts—building safer and stronger communities. For example, it will not only be good for those who will be secured but also those

who will do the securing. It will provide a solid baseline of training. As was mentioned by a number of colleagues earlier today, it will also offer a portable licence so that if individuals move from situation to situation, venue to venue, they will not have to reapply for each circumstance but will have a portable licence which they can take with them. That's, of course, a very empowering thing.

Similarly for employers, if there are individuals who have established themselves and have the particular classification or grade of security clearance, then they, too, will perhaps be that much more marketable in different situations.

The reason why this particular piece of legislation is especially important and why I salute the minister for bringing it forward is that we have 50,000, 60,000, 70,000, 80,000 individuals who are engaged in providing these types of security services. So this is a win-win situation, and I think you can see that quite evidently from the unanimous sentiment, if not unanimous consent, so far on this particular bill.

Whether it's a matter of updating, bringing forward licensing, training, talking about uniforms, be they powder blue or otherwise, or empowering all individuals with the requisite amount of equipment that they're going to require, ultimately it's about regulation, standardization and bringing professionalism to Ontario's security services.

With that, I'm pleased to share my time with my esteemed colleague from Etobicoke-Lakeshore, Laurel Broten.

Ms. Laurel C. Broten (Etobicoke-Lakeshore): I'm pleased to join in the debate this afternoon about Bill 159. A lot of individuals have talked about the fact that this legislation needs to be updated, as it has not been updated since 1966, some 40 years ago. If we want to think about how long ago that was—and a lot has changed since 1966. Earlier in the House, there was some request about what year I was born, and I will share with you that I was not born yet by 1966. So it is a long time ago, certainly.

Times have changed since 1966, a time when we had only 4,000 licensed security practitioners. Now it's 30,000 and rising across the province. I think the role and importance of the security industry has also very much changed over the last number of years.

What this act talks about is licensing, making licensing mandatory for most security personnel. Most importantly to me, this legislation responds substantively to recommendations of the coroner's inquest on the death of a young Toronto man who died after an altercation with employees of a grocery store and security practitioners. That young man's name was Shand.

The Shand coroner's inquest took place in this province, and we all watched what was happening very carefully. We listened to the recommendations and saw the grief, I think, in his mother when his mother was attending here early on when this legislation was brought forward.

This legislation also builds on a 2002 discussion paper from the Law Commission of Canada, which recommended the professionalization of the security industry, and a 2003 conference organized by the commission that talked about the blurring of the police and private security industries. I think we've all seen that in our communities, and certainly others who have joined the debate this afternoon have talked about that blurring of lines: Who are these individuals and what is their specific role in our community?

Again, to go back to the Shand inquest, the coroner's inquest, that inquest resulted in 22 recommendations for the security industry, including those on mandatory licensing, training, licence classification, portable licensing and an effective enforcement system. It is, again, significant to those of us who have followed coroners' inquests—and I've had the privilege of acting as counsel at those coroners' inquests—to know the in-depth examination that is undertaken in a very specific area in the context of a coroner's inquest.

So it is significant to me, and I give credit to the minister, that this legislation has responded to those 22 recommendations and really met the demands of the public who would have served as the coroner's jury on that inquest.

I think that is why this is a good piece of legislation. We have had a lot of credit given to the process. The process not only built on historical recommendations that came forward, but at the same time asked stakeholders to come to the table to provide that information.

I want to point out that the stakeholder consultation that was undertaken to get the legislation that's before us today is going to continue because a committee is going to be established, the private security and investigative services advisory committee. That committee's mandate will be to provide key feedback and advice from all sectors involved in the private security industry, feedback on issues like training standards, standards for uniforms, vehicles and equipment, and that committee will assist in defining the regulations. That committee will be made permanent so that the minister can continue to gain information and insight from that committee, and provide advice and guidance to the ministry with respect to this new and ever-emerging industry.

Not only does this legislation bring us up to date after 40 years; it also ensures that we will keep up to date and stay up to date, because this committee of experts in the field, those who are out there each and every day doing this work, will continue to have the ear of the minister and the ministry to say, "This is how we need to continue to evolve." So we will not be back in the Legislature like this some 40 years from now saying, "We haven't done anything in 40 years and we need to update it." That process will continue.

Just before I close, I wanted to provide an individual who has given support to this legislation. Very importantly, the Council of Private Investigators of Ontario has reacted to the bill in a very positive way. The president, Bill Joynt, has said, "Changes to the Private Investigators

and Security Guards Act are long overdue. We support all changes designed to ensure a high level of professional service for the community at large and we welcome the opportunity to participate in ensuring those changes are workable and accepted by the industry."

With that, I certainly give my support to this legislation. I'm pleased to have heard all of my colleagues' comments around the House. There are many individuals who believe it's time for a change in this sector, and we look forward to seeing that change happen.

The Acting Speaker: It's time for questions and comments.

Mr. Ernie Hardeman (Oxford): I want to thank the members for their informative presentation on the bill. I have specific concerns about some of the things in the bill. As was mentioned earlier, I'm happy to see that it will be going to committee for further amendments.

As I'm listening to the debate on the bill, I find that we're talking in very general terms, that all we have to do is license the people who are presently doing these occupations and then the world will be a better place. As I look at the people who are involved in the security business in our community, these folks aren't all trained and ready to meet the requirements of this legislation. So I have some real concerns about how we're going to deal with the transition of the industry.

As was mentioned by the member on the government side, we have a great number of security personnel in our province today. I know it sounds kind of strange, but one of the first requirements I'm looking at here is that, of course, you must not have a criminal record. I'm not sure that all the 30,000 people we have working in the security industry who have years of experience and have been doing fine would have a clean criminal record.

Mr. Kormos: Or if you're in the Senate or in Paul Martin's cabinet.

Mr. Hardeman: I suppose it might be true to say that there could be a real problem here. A lot of our government ministers, it would appear, wouldn't be eligible to be security guards in our community. I'm not sure they would want to. From what I hear, they have a much better occupation.

I think there are a lot of things in this legislation that require some clarification, as to how we're going to deal with the present industry before we can get them all into the position where they are going to be able to be licensed and provide services that our people want. I do support—

The Acting Speaker: Thank you. Further questions and comments?

1750

Mr. Kormos: The point has just been made that, look, there are a whole lot of people now working hard for very low wages as security guards. This is simple, yet at the same time it's not so simple. The minister and others have made reference to this nouveau style of private police with batons, military-style boots, military-style uniforms and dark glasses—the whole nine yards—that are out there doing active private policing, a far cry from

the fellow working in the bank whose job is to help steer people to the right line, and in the event that anything untoward happens, call the police. Both of them are security guards; both will be covered under the legislation. I share the minister's concern about misconduct, inappropriate conduct or conduct that flows from the lack of training that gave rise to Shand. But you've got hundreds, thousands, of folks out there who thought they were doing the right thing, who thought they were doing their best: small-town security guards. Are they going to lose their jobs as a result of this legislation? We're not talking about people who want to be active private police. We're not talking about people who will ever utilize the citizen's power of arrest. We're not talking about people who are ever going to intervene in an altercation between two other people. We're talking, again, about the night watchman at a warehouse. We're talking about the watchman on a construction site. My concern is, what happens to these folks in the context of this bill? Look, they did nothing wrong. We can't just brush them aside as if they were irrelevant. They are very relevant, and we've got to deal with that as part of the process of the development of this bill.

Hon. Mr. Kwinter: I wanted to thank my colleagues on this side for their comments.

I just want to address a couple of points that were raised. Nobody is going to be grandfathered in this situation. To give you an example, the Canadian Corps of Commissionaires, a highly regarded group of people who are endorsing this legislation, are saying, "We have no difficulty and no fear that we cannot meet the standards." Under the provisions in this bill, what will happen is that if an individual who has been providing security services—for example, someone who belongs to the Canadian Corps of Commissionaires—feels that they can pass the examination that's going to be required of all security people, they can just go ahead and do it. They will also have to meet the other standards of having a security check and all the other things, but they can do that immediately.

The reason for the course and the certification is for those people who feel that this is a profession they would like to get into, and in order to do that, they have to meet the qualifications that will allow them to pass that examination. Community colleges are very enthusiastic about providing that kind of training; they will do that. They will then have to satisfy themselves that they have got the training, that they can do it, that they pass whatever security requirements are set up, and be able to present themselves, on acceptance and on completing the requirements, that they are professionals. The whole idea behind this legislation is to make sure that those people who are presenting themselves as security guards or private investigators have been certified and meet the requirements that are set out in the act. This is important because what it will do is make sure that the people of Ontario have—

The Acting Speaker: Thank you. Further questions and comments?

Mr. Kormos: Don't forget, at 7:05 p.m. Paul Martin grovels.

Mr. Arnott: The member for Niagara Centre is reminding me of something that's going to be happening tonight, and I'd like to give him an opportunity. Unfortunately, he doesn't have the opportunity to do another two-minute hit. I think he wants me to inform the House that tonight the Prime Minister of Canada is going to be speaking to the people of the nation on television. What time is it at, Peter?

Mr. Kormos: It's at 7:05.

Mr. Arnott: I think it's something that most of us will be looking forward to seeing and hearing, because there are exciting things happening these days in Ottawa. I don't think any member of the House would dispute that.

To have a chance to respond very briefly to the comments that were put forward by the members for Etobicoke North and Etobicoke-Lakeshore: I think they offered their thoughts to the House in a very constructive and helpful way. I didn't hear all of their comments because of some of the other distractions that were going on around me, but at the same time I'm not sure that they gave suitable and due credit to the member for Simcoe North. Again, I think it's important to remind the House that the member for Simcoe North, my seatmate Garfield Dunlop, brought forward a bill on this issue that was endorsed by the House, received second reading support, and I think to some degree informed the discussion that took place in the minister's office to bring forward a government bill.

I have been someone who has tried to take advantage of the opportunities that private members' hour on Thursday morning affords all of us, as members of the Legislature, who has tried to bring forward initiatives that are constructive, bring forward initiatives that otherwise perhaps aren't being discussed, aren't before the Legislature. I feel those Thursday morning opportunities are very important for all of us here, and I try to do that. The member for Simcoe North has done exactly that, and I think the minister, when he introduced his bill, gave the member for Simcoe North some measure of credit and acknowledgment for the role he played, and the minister showed a lot of class in doing that.

Ms. Broten: It's my pleasure to respond to the members for Oxford, Niagara Centre, Waterloo-Wellington and the minister. Obviously, in a short period of time, it is difficult to go into the specifics of legislation. We tend to talk more about the common purpose and the generalities of it, but I want in these couple of minutes to talk specifically about a couple of issues.

First, who will this act apply to? It will apply to those whose primary role is to provide security and investigative services. The member for Niagara Centre talked about the good people in this province who need to have jobs. I want to point out a provision in the legislation with respect to licence portability that will allow those individuals who are employed in this sector to move from

one company to another freely, with their licence portability. They could have positions at more than one employer, for example. They could work part-time for a number of organizations and the licence will be theirs so they can earn a decent living. The concern the member from Niagara Centre had I believe is responded to in this legislation.

Another important specific provision in the legislation is the public complaints process, which will allow the establishment of a mechanism to address public complaints. That was a key recommendation of the Shand inquiry, because it is critical that we have an opportunity for individuals to raise those complaints with objective oversight and thirdparty intervention into the complaint system. That's what this legislation is putting forward.

With respect to the setting of standards via regulations, we've talked about the committee that will continue to provide advice to the minister and the ministry. Training standards will be one of the issues that committee will look at. Key areas of the future training curricula for security practitioners will include knowledge of the relevant legislation, communications and public interaction skills, first aid and CPR, on-the-job skills such as report writing and note-taking, and frankly, those are important things to be able to do their job.

The Acting Speaker: It being approximately 6 of the clock, this House stands adjourned until 1:30 p.m. Monday.

The House adjourned at 1757.

TABLE DES MATIÈRES

Jeudi 21 avril 2005

AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

Loi de 2005 sur le Jour du Khalsa, projet de loi 189, <i>M. Dhillon</i> Adoptée	6456
Loi de 2005 modifiant des lois en ce qui a trait à la protection contre l'incendie, projet de loi 184, <i>M. Prue</i> Adoptée	6456

DEUXIÈME LECTURE

Loi de 2005 modifiant la Loi sur les obligations familiales et l'exécution des arriérés d'aliments, projet de loi 155, <i>M^{me} Pupatello</i> Adoptée	6476
Loi de 2005 sur les services privés de sécurité et d'enquête, projet de loi 159, <i>M. Kwinter</i> Débat présumé ajourné.....	6496

CONTENTS

Thursday 21 April 2005

PRIVATE MEMBERS' PUBLIC BUSINESS

Khalsa Day Act, 2005, Bill 189,

<i>Mr. Dhillon</i>	
Mr. Dhillon	6441, 6448
Mr. Prue	6442
Mrs. Jeffrey	6443
Ms. Horwath	6444
Mr. Jackson	6445
Mr. Delaney	6447
Agreed to	6456

Fire Protection Statute Law

Amendment Act, 2005,	
Bill 184, <i>Mr. Prue</i>	
Mr. Prue	6448, 6456
Mrs. Jeffrey	6449
Ms. Scott	6450
Ms. Horwath	6451
Mr. Levac	6453
Mr. Hudak	6454
Mr. Ramal	6455
Agreed to	6456

MEMBERS' STATEMENTS

Labour dispute

Ms. Scott	6456
-----------------	------

Passover

Mr. Colle	6457
-----------------	------

Blood donation

Ms. Horwath	6457
-------------------	------

Affordable housing

Mr. Fonseca	6457
-------------------	------

Northern Ontario

Mr. Miller	6458
------------------	------

Municipal finances

Mr. Leal	6458
Mr. Hardeman	6458

Health care

Mr. Parsons	6459
-------------------	------

Federal-provincial fiscal policies

Mr. Craiton	6459
-------------------	------

STATEMENTS BY THE MINISTRY AND RESPONSES

Earth Day

Mrs. Dombrowsky	6459
Mr. Barrett	6461
Ms. Churley	6462

Small business

Mr. Cordiano	6460
Mr. Flaherty	6462
Ms. Horwath	6462

Organ and tissue donation

Mr. Smitherman	6461
Mrs. Witmer	6462
Ms. Martel	6463
Mr. Kormos	6463

ORAL QUESTIONS

Municipal finances

Mr. Tory	6464
Mr. Sorbara	6464, 6470
Mrs. Mitchell	6470

Long-term care

Mr. Hampton	6465
Mr. Smitherman	6465

Autism treatment

Mr. Jackson	6467
Mr. Smitherman	6467
Mrs. Bountrogianni	6468

Water quality

Ms. Churley	6468
Mrs. Dombrowsky	6468

Anti-smoking legislation

Mr. McNeely	6468
Mr. Smitherman	6469

Earth Day

Mr. Flaherty	6469
Mrs. Dombrowsky	6469

Royal Botanical Gardens

Ms. Horwath	6470
Mrs. Meilleur	6470

Hospital funding

Mr. Arnott	6471
Mr. Smitherman	6471

Labour relations

Mr. Kormos	6471
Mrs. Dombrowsky	6471

Small business

Mr. Duguid	6472
Mr. Cordiano	6472

Labour legislation

Mr. Runciman	6472
Mrs. Dombrowsky	6473

PETITIONS

Sport parachuting

Mr. Tascona	6473
-------------------	------

Pit bulls

Mr. Miller	6473
Mr. Tascona	6475

Senior citizens

Ms. Horwath	6474
-------------------	------

Credit Valley Hospital

Mr. Delaney	6474
-------------------	------

Regional centres for the developmentally disabled

Mr. Dunlop	6474, 6476
------------------	------------

Anaphylactic shock

Mr. Delaney	6474, 6475
-------------------	------------

Wildlife protection

Mr. Hardeman	6475
--------------------	------

SECOND READINGS

Family Responsibility and Support

Arrears Enforcement Amendment Act, 2005, Bill 155, <i>Ms. Papatello</i>	
Agreed to	6476

Private Security and Investigative

Services Act, 2005, Bill 159, <i>Mr. Kwinter</i>	
Mr. Kormos	6477, 6481, 6488
6492, 6494	

Mr. Berardinetti	6479
------------------------	------

Mr. Dunlop	6480, 6483, 6491
------------------	------------------

Mr. Prue	6480, 6483, 6487, 6488
6492	

Mrs. Sandals	6480, 6484
--------------------	------------

Mr. Sergio	6481
------------------	------

Mr. Duguid	6482, 6484
------------------	------------

Mr. Arnott	6484, 6495
------------------	------------

Mrs. Witmer	6485, 6488
-------------------	------------

Mr. Kwinter	6487, 6492, 6495
-------------------	------------------

Mr. Jackson	6488
-------------------	------

Mr. Peterson	6491
--------------------	------

Mr. Qaadri	6493
------------------	------

Ms. Broten	6493, 6495
------------------	------------

Mr. Hardeman	6494
--------------------	------

Debate deemed adjourned	6496
-------------------------------	------

OTHER BUSINESS

Legislative pages

The Speaker	6463
-------------------	------

Visitors

The Speaker	6463
Mr. Delaney	6463
Ms. Marsales	6463
Mr. Hardeman	6463

Business of the House

Mr. Caplan	6476
------------------	------

Continued overleaf

